

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**MICHAEL L CARPENTER  
3256 HWY E66  
CHELSEA IA 52215**

**WAL-MART STORES INC  
TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-00606-CT  
OC: 12/07/03 R: 02  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated January 12, 2004, reference 01, which held that no disqualification would be imposed regarding Michael Carpenter's separation from employment. After due notice was issued, a hearing was held by telephone on February 10, 2004. Mr. Carpenter participated personally. The employer participated by Roger Lamp, Co-Manager. Exhibits One through Five were admitted on the employer's behalf.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Carpenter began working for Wal-Mart on February 12, 2002 in the lawn and garden area. He usually worked from 20 to 30 hours each week. In April of 2002, he was promoted to the position of full-time lead unloader. On December 11, 2003, he was notified that he was being removed from the position because of his job performance. He was given the opportunity to consider an alternative position in inventory control. However, because he would lose \$5.00 per hour in wages, he declined to accept the position offered. Because he could not continue in the position of lead unloader, Mr. Carpenter became separated from the employment on December 11, 2003.

The employer demoted Mr. Carpenter because it was felt that his crew's productivity was lacking. The primary complaint was that merchandise which should have been on shelves was in the back room of the store. In late October of 2003, Roger Lamp met with Mr. Carpenter concerning his performance. Mr. Carpenter was told he needed to consistently check-in what was considered "high dollar" merchandise against the invoice. He was to double-check that there was no merchandise in the back room that should be on shelves. He was also to provide information as to how many cases of merchandise each crewmember processed per hour. Mr. Carpenter was putting forth his best effort to make sure that his crew was unloading and stocking merchandise as required. He was sometimes unable to complete all tasks because of lack of time and lack of experienced workers.

Mr. Carpenter had received a "coaching" on February 17, 2003 because of an allegation that he crumpled and threw away a message from management in front of his crew. In actuality, it was not Mr. Carpenter who had crumpled the note, but one of his crewmembers. He was given a "decision-making" day and told that the next infraction would result in his termination.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Carpenter was separated from employment for any disqualifying reason. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code Section 96.5(1). Mr. Carpenter had the burden of proving that his quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). He quit because he was demoted from his position of lead unloader. A demotion does not constitute good cause attributable to the employer for quitting if the demotion was for reasons which would constitute misconduct. See Goodwin v. BPS Guard Services, Inc., 524 N.W.2d 28 (Minnesota App. 1994). The employer's evidence establishes that Mr. Carpenter was an unsatisfactory employee. It does not, however, establish a willful or wanton disregard for the employer's standards. He did not deliberately or intentionally fail to perform the work to the best of his abilities. Inasmuch as Mr. Carpenter was putting forth his best efforts, the administrative law judge concludes that his failures did not constitute misconduct.

Mr. Carpenter quit because he was going to lose at least \$5.00 per hour in pay. The administrative law judge considers this a substantial reduction in his pay and constituted good cause attributable to the employer for quitting. Therefore, benefits are allowed.

DECISION:

The representative's decision dated January 12, 2004, reference 01, is hereby affirmed. Mr. Carpenter voluntarily quit his employment for good cause attributable to the employer. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjf