

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

AHMEDDIN Y MAHMUD
Claimant

APPEAL NO. 08A-UI-07923-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

**OC: 08/10/08 R: 02
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Ahmeddin Mahmud, appealed an unemployment insurance decision dated September 2, 2008, reference 01, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on September 17, 2008. The parties were properly notified about the hearing. Mahmud participated in the hearing with the assistance of interpreter Robert Duttalang. Zachary Morris participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

Ahmeddin Mahmud worked full time for the employer as a worker in the maintenance department from November 9, 2006, to May 28, 2008. He was informed and understood that under the employer's policies, full-time employees were entitled to health insurance coverage after six months of employment and could apply for transfers to another jobs in the store.

After six months, Mahmud was sent a certified letter on March 21, 2008, informing him of his eligibility for health insurance coverage. Although Mahmud never received the letter, he contacted the personnel office and supplied the necessary information and repeatedly checked on the status of his insurance, he was never properly enrolled.

After six months, Mahmud also requested a transfer to a different job because he wanted to expand his job skills. Mahmud was never selected for any open positions. He also requested transfer from the overnight shift to the day shift, but the transfer request was not granted. He repeatedly checked the status of his requests for transfers, but the requests were never granted.

On May 13, 2008, Mahmud informed his assistant manager that he was putting in his two-week notice to quit because he had not received the insurance he was promised when he was hired and the employer failed to grant his transfer requests. The employer did not correct the

situation after Mahmud provided notice of quitting and his reasons, so he left employment on May 28, 2008.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether Mahmud voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

Mahmud has not shown good cause based on the transfer issue because he only was told he could request a transfer after six months and was not guaranteed a transfer. He has shown good cause, however, based on the employer's failure to provide him with health insurance coverage, which he was entitled to after six months. Mahmud repeatedly inquired about his insurance and cited it in his notice of quitting, but the situation was not corrected.

Mahmud is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 2, 2008, reference 01, is reversed. Ahmeddin Mahmud is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs