

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

PAMELA A EMARY
6616 SW 9TH #3
DES MOINES IA 50315-6136

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

Appeal Number: 05A-UI-12345-AT
OC: 09-18-05 R: 02
Claimant: Respondent (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits
Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. filed a timely appeal from an unemployment insurance decision dated November 29, 2005, reference 02, which allowed benefits to Pamela A. Emary upon a finding that she was employed elsewhere when she refused an offer of work with Wal-Mart Stores, Inc. on November 4, 2005. Due notice was issued for a telephone hearing to be held December 27, 2005. The parties stipulated as to the evidence.

FINDINGS OF FACT:

Having considered all matters of record, the administrative law judge finds: On November 4, 2005, Pamela A. Emary accepted employment at the Wal-Mart store in Windsor Heights, Iowa. On the same day she declined an offer of work at the Wal-Mart south Des Moines, Iowa. She began work on November 10, 2005. She received partial benefits for the week ending November 12, 2005 and has received no benefits since that time.

REASONING AND CONCLUSIONS OF LAW:

The question raised in the appeal of this case is whether Ms. Emary is currently eligible for unemployment insurance benefits. She is not because she is currently working sufficient hours that her earnings exceed the sum of her weekly benefit amount plus \$15.00. No disqualification is imposed on the claimant for refusing the offer of employment at the south Des Moines Wal-Mart store because she had already accepted an offer from the Wal-Mart store in Windsor Heights.

DECISION:

The unemployment insurance decision dated November 29, 2005, reference 02, is modified. The claimant is ineligible for unemployment insurance benefits effective November 13, 2005 because she is working sufficient hours to be considered fully employed. No disqualification is imposed under Iowa Code section 96.5-3-a because the claimant was already employed by the Windsor Heights Wal-Mart when she declined the offer of work from the south Des Moines Wal-Mart.

kkf/kjw