

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

VALORIE J RICHARDS  
1537 HWY 218  
WEST POINT IA 52656

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

Appeal Number: 04A-UI-05085-HT  
OC: 04/04/04 R: 04  
Claimant: Respondent (2)

**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 – Quit  
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

The employer, Wal-Mart, filed an appeal from a decision dated April 21, 2004, reference 01. The decision allowed benefits to the claimant, Valorie Richards. After due notice was issued a hearing was held by telephone conference call on May 26, 2004. The claimant participated on her own behalf. The employer participated by Personnel Manager Jody Wilson and Assistant Manager Kim Conley.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Valorie Richards was employed by Wal-Mart from September 17, 2003 until April 2, 2004. She was a full-time manager in the fabric department.

On April 2, 2004, the claimant was extremely busy with price changes and new inventory. She had told Co-Manager Kim Conley that it was impossible to get all of the work done. Later Ms. Conley asked the claimant to come to the office because there had apparently been a complaint that the claimant had been "short" or "rude" to a co-worker. Ms. Richards was very upset and wrote out a resignation giving "stress" and "negative attitudes" as the reason. Co-Manager Dee Dee Guyman encouraged her to wait and talk to the store manager but she exited the office and left her resignation behind. When she appeared in the store three days later and attempted to talk to the store manager, he declined to allow her to revoke her resignation.

Valorie Richards has received unemployment benefits since filing a claim with an effective date of April 4, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 24.25(21) provides:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant resigned because she was extremely upset due to a lot of pressure and extra work setting up a new store. At no time did the employer request her to resign or even issue her any disciplinary action. Although Ms. Richards may have intended to reconsider her decision, she left her resignation in the personnel office and did not say she was going to reconsider. The employer considered her to have resigned and was not obligated to allow her to revoke her resignation. Langley v. EAB, 490 N.W.2d 300 (Iowa App. 1992). The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

Iowa Code Section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of April 21, 2004, reference 01, is reversed. Valorie Richards is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$840.00.

bgh/b