

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLEE A CHRISTENSEN**  
Claimant

**APPEAL NO. 07A-UI-02884-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 02/04/07 R: 01  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.3 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated March 9 2007, reference 02, which held the claimant eligible for unemployment benefits. After due notice, a telephone conference hearing was scheduled for and held on April 6, 2007. The claimant participated. The employer participated through Scott Freeman, Store Manager.

**ISSUES:**

The issues in this matter are whether the claimant quit for good cause attributable to the employer and whether the claimant is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for Wal-Mart Stores from October 13, 2005 until January 31, 2007, when she left her work due to a substantial change in the working agreement. Ms. Christensen last held the position of customer service manager, working 7:00 p.m. until 4:00 a.m. in that position. The claimant received a shift differential pay and pay as a manager. Ms. Christensen was hired to work that specific shift at her request due to childcare issues and her desire to receive the manageress pay and shift differential.

In October a new manager took over the Wal-Mart facility where the claimant was employed and determined that the hours the claimant was working did not fit the company's business structure. Therefore, the company made a management decision to change the claimant's working hours to hours that were compatible with hours scheduled at other Wal-Mart facilities. Under the change the claimant would potentially lose shift differential and/or her manager's hire pay. The claimant left her employment after being informed by the company that she must agree to the change or relinquish her position.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes based upon the evidence in the record that the claimant has established good cause for leaving her employment that is attributable to the employer. The evidence establishes that the claimant specifically requested and was hired to work 7:00 p.m. until 4:00 a.m. shifts because of childcare considerations and the extra pay that was available to her during that particular set of working hours. While the employer's decision to change the hours may have been a good decision from a management viewpoint, nevertheless, it was a substantial change in the working and hire agreement that was in effect between the parties and provided the claimant good cause for leaving that was attributable to the employer. Benefits are allowed.

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.

For the reasons stated herein, the administrative law judge finds that the claimant's leaving took place under nondisqualifying conditions.

**DECISION:**

The representative's decision dated March 9, 2007, reference 02, is affirmed. The claimant quit employment with good attributable to the employer. Benefits are allowed, providing the claimant meets all other eligibility requirements of the law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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