

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BEVERLY R HALEY**  
Claimant

**APPEAL NO: 07A-UI-06323-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 05/27/07 R: 02**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Beverly R. Haley (claimant) appealed a representative's June 15, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Wal-Mart Stores, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 12, 2007. The claimant participated in the hearing. Josh Brubaker appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 9, 2003. She worked full time as a sales associate in the employer's Marshalltown, Iowa store. Her last day of work was May 22, 2007.

The claimant had requested and been granted a personal leave of absence beginning May 12, 2007. Due to the employer's scheduling system, when an employee is taken out of the schedule for a leave of absence, the employee is not automatically reincluded in following scheduling cycles until reinstated. However, the employer can manually "red pen" the employee back into the schedule.

On or about May 20 the claimant indicated to Mr. Brubaker, an assistant manager, that she was ready to return to her regular Saturday through Wednesday schedule, and he told her he would "red pen" her back into the schedule; he did "red pen" her in for May 22 and he told her that she should come to work on Saturday, May 26. However, the claimant was sick on May 26 and did not report in for work. She did attempt to report for work on Sunday, May 27, a day she would have normally worked and had believed she had been "red-penned" back in for work. However, when she arrived she learned that she had not been put back on to work that day, as Mr. Brubaker had forgotten to add her to that day. The manager on duty on May 27 was

unwilling to allow the claimant to clock in to work without higher authorization, and Mr. Brubaker was not on duty that day. The claimant became upset and informed the employer that she was quitting.

### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer.

Iowa Code § 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 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The law presumes a claimant has voluntarily quit with good cause when she quits because of a substantial change in the contract of hire. 871 IAC 24.26(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). While Mr. Brubaker's failing to manually add the claimant back in to the system after her leave of absence was somewhat frustrating, it was not a breach of the terms of the employment arrangement, and the claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

### **DECISION:**

The representative's June 15, 2007 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of May 27, 2007,

benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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