

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

LATRICIA D WINTERS
1013 TAYLOR DR
IOWA CITY IA 52240-7054

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

Appeal Number: 06A-UI-07250-CT
OC: 06/18/06 R: 03
Claimant: Appellant (1)

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 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Latricia Winters filed an appeal from a representative's decision dated July 12, 2006, reference 01, which denied benefits based on her separation from Wal-Mart Stores, Inc. After due notice was issued, a hearing was held by telephone on August 7, 2006. Ms. Winters participated personally. The employer participated by Denise Moore, Vision Center Manager. Exhibits One through Four were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Winters began working for Wal-Mart in

September of 2004 and was last employed full-time as an associate in the vision center. Her last day at work was January 24, 2006. The employer's last contact with Ms. Winters was on January 26, when she called to report that she would be absent due to illness. Although her doctor released her to return to work after the spell of illness, Ms. Winters did not contact the employer.

The employer has a written work rule which provides that three consecutive unreported absences will be considered a voluntary quit. Ms. Winters had received a copy of the policy. Continued work would have been available had Ms. Winters continued reporting for work or had notified the employer of her intentions. Her job was not in jeopardy because of her attendance. Although she had missed time from work, she had never been disciplined because of her attendance. Her supervisor had questioned whether the job was right for her but only because of her customer service skills and not because of her attendance.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Winters was separated from employment for any disqualifying reason. She abandoned her job when she stopped reporting for available work without notice to the employer. Therefore, her separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Winters testified that she did not return to work after being released by her doctor because she believed her supervisor did not want her in the job because of her attendance. However, the supervisor had never made an issue of her absences. Ms. Winters was never told that her job was in jeopardy because of her periodic absences. The evidence failed to establish any good cause attributable to the employer for Ms. Winters's quit. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 12, 2006, reference 01, is hereby affirmed. Ms. Winters voluntarily quit her employment with Wal-Mart for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/cs