

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

YALMER HELGENBERGER
Claimant

WAL-MART STORES INC
Employer

APPEAL 17A-UI-07992-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/16/17
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 3, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on August 24, 2017. Claimant participated. Employer participated through fresh assistant manager, Diana Holm and personnel training coordinator, Hadzira Jukic. Employer's Exhibit 1 was received.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 16, 2016. Claimant last worked as a full-time fresh maintenance worker. Claimant was separated from employment on March 19, 2017, when he resigned.

Claimant worked at the Wal-Mart store in Des Moines, Iowa. In approximately February 2017, claimant informed personnel training coordinator, Hadzira Jukic that he and his family were planning to move to Storm Lake, Iowa. Claimant did not give an exact date for the move, but asked if it was possible for him to transfer to the Wal-Mart in Storm Lake. Jukic explained that claimant would have to complete an online transfer application. Sometime later claimant again asked Jukic about the transfer. Jukic again explained claimant needed to complete an online transfer application.

Claimant was scheduled to work on March 17, 2017. Claimant was ill. Claimant tried to call Jukic to report his absence, but she did not answer his phone call. On March 18, 2017, claimant was scheduled to work. Claimant felt ill. Instead of reporting to work, claimant and his wife came into Wal-Mart in an attempt to meet with Jukic to complete the online transfer

application. Jukic was not at work that day. Claimant was scheduled to work on March 19, 2017. Instead of coming to work, claimant moved to Storm Lake with his family.

Claimant did not complete the online transfer application before moving to Storm Lake.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(2) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(2) The claimant moved to a different locality.

Claimant was planning to move and was informed he needed to complete an online transfer application before he would be allowed to transfer to the store in Storm Lake. Claimant did not complete the application before he moved. Therefore, he resigned in order to move to a new locality. This is not attributable to employer.

DECISION:

The August 3, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

cal/scn