

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AHSLEY F MYERS

Claimant

APPEAL NO: 12A-UI-09683-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 07/15/12

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 3, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. On September 10, the Appeals Section received a letter that the employer was not going to participate at the scheduled September 5 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in December of 2006. She worked as a full-time customer service supervisor. During the claimant's employment, she had been told that when a customer became very upset and may need to be escorted from the store, the claimant was to call for a manager and someone in management would come and help her with a disgruntled customer.

On May 1, the claimant was the only supervisor on the front end. The claimant was busy on the phone with an outside customer and noticed checkout lines were getting long. The claimant called for help with the checkout lines. No one came to the front to help right away. When no help came and customers starting complaining about the long lines, the claimant finished her call with an outside customer and went to help check out customers. The claimant again asked for help to checkout customers.

When the claimant went to help check out customers, one customer complained about the lines and made comments about how incompetent the claimant was at her job. The claimant apologized and then tried to walk away from this customer. The customer followed the claimant to let her know what a poor job she was doing in running her area of the store. The claimant felt the customer harassed her for about five minutes. During this time, employees came to the

front of the store to help check out. Even though the claimant used her walkie talkie and asked for manager assistance with the customer, no manager came to help her.

The claimant knew one manager was at the customer service desk and was unable to help her because she was on the phone with an outside customer. Another manager was in the human resource department and could not leave that office. When the claimant went to the back of the store, she saw the assistant manager just sitting and another manager walking in the back hallway.

In the past, the claimant had not received assistance she had requested, but before the claimant had not had to deal with an upset, complaining customer. After a customer harassed her and no manager came to her assistance, the claimant was upset. She quit in the middle of her shift because management did not support or come to her assistance when she requested help. If someone in management had come to help her, the claimant would not have quit on May 1.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves because she does not like the work environment. 871 IAC 24.25(21). The law also presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

On May 1, the claimant became frustrated when employees did not respond to her request for assistance to check quickly enough. It is understandable why the claimant became frustrated when checkout lines become longer and customers started complaining. Even though employees came up front to help check, the claimant then had to deal with an upset customer. Since she had been told she did not have to handle customer complaints, she followed the proper procedure and called for a manager to help her. No manager came to help her deal with a disgruntled employee. While the claimant understood why some managers did not respond to her call for assistance since they were busy with other customers, the claimant became more upset when she saw an assistant manager just sitting in the back room. The claimant did not ask why this assistant manager did not respond to her request. The claimant was angry and quit because she was tired of being ignored by management and could no longer deal with the fact they ignored her.

The facts establish the claimant quit for compelling reasons, but the May 1 incident by itself does not establish good cause for quitting. The claimant quit for reasons that do not qualify her to receive benefits. As of July 15, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's August 3, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but she quit for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 1, 2012. This disqualification continues until she has been paid ten times her

weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css