

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

NANCY S HINSHAW
PO BOX 56
OQUAWKA IL 61469

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

Appeal Number: 04A-UI-00177-CT
OC: 11/16/03 R: 12
Claimant: Appellant (3)

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)a – Quit for Other Employment

STATEMENT OF THE CASE:

Nancy Hinshaw filed an appeal from a representative's decision dated December 31, 2003, 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 January 27, 2004. Ms. Hinshaw participated personally and offered additional testimony from Jim Foster. The employer participated by Chad Float, Co-Manager. Exhibits One and Two were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Hinshaw was employed by Wal-Mart from October 31, 2000 until July 18, 2003. She was last employed full time as an inventory control specialist. When she lost her means of transportation and could not be transferred to a different position, she sought other work.

On July 17, Ms. Hinshaw was offered work with Oquawka Diner. She notified Wal-Mart on July 18 that she was quitting and began work at the diner on July 21, 2003. She worked until laid off by the diner on November 14, 2003.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Hinshaw was separated from employment for any disqualifying reason. She left the employment on July 18 to accept work elsewhere. As of the date of her claim for job insurance benefits, she had performed services in the new employment. For the above reasons, she is allowed benefits pursuant to Iowa Code Section 96.5(1)a. Benefits paid as a result of the decision herein will not be charged to Wal-Mart's account.

DECISION:

The representative's decision dated December 31, 2003, reference 01, is hereby modified. Ms. Hinshaw left her employment with Wal-Mart to accept other employment where she performed services. Benefits are allowed, provided she satisfies all other conditions of eligibility. Wal-Mart's account will not be charged for benefits paid to Ms. Hinshaw

cfc/kjf