

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD E SHIPLEY**  
Claimant

**APPEAL NO. 07A-UI-00870-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART**  
Employer

**OC: 12/31/06 R: 01  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Ronald Shipley, filed an appeal from a decision dated January 22, 2007, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 8, 2007. The claimant participated on his own behalf. The employer, Wal-Mart, participated by Assistant Manager Doug Hank and Personnel Manager Katherine Pafford .

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Ronald Shipley was employed by Wal-Mart from March 2, 2005 until December 26, 2006. He was a full-time night maintenance worker. On December 26, 2006, the claimant gave a verbal resignation to Assistant Manager Craig Lambert for “career opportunities.” Mr. Shipley had been talking with representatives of another company, Astro Building Services, and was told there was a “possibility” of a new “strip crew” being formed. However, the claimant did not have a firm job offer and never heard back from Astro after leaving Wal-Mart.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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(3) 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:

(3) The claimant left to seek other employment but did not secure employment.

The claimant quit because he believed he would be able to secure employment with another company. There had been no firm job offer from Astro, only the mention of a "possibility" of a new crew being set up. Under the provisions of the above Administrative Code section, this does not constitute good cause attributable to the employer for quitting and the claimant is disqualified.

**DECISION:**

The representative's decision of January 22, 2007, reference 01, is affirmed. Ronald Shipley is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw