

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

WILLIAM P HICKEY
408 – 1ST ST SW #5
CEDAR RAPIDS IA 52404-5732

WAL-MART STORES INC
C/O TALX UC EXPRESS
P O BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-04266-AT
OC: 03/26/06 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 Quitting

STATEMENT OF THE CASE:

William P. Hickey filed a timely appeal from an unemployment insurance decision dated April 12, 2006, reference 01, which disqualified him for benefits. After due notice was issued, a telephone hearing was held on May 4, 2006, with Mr. Hickey participating. The employer, Wal-Mart Stores, Inc., did not provide the name and telephone number of a witness. Claimant's Exhibit A was admitted into evidence.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: William P. Hickey was employed by Wal-Mart

Stores, Inc. from October 20, 2004 until he resigned March 17, 2006. He last worked full-time as a sales associate in the meat department. As Mr. Hickey went to lunch on March 17 a co-worker asked how his day was going. Mr. Hickey responded, "Same shit, different day." The store manager overheard Mr. Hickey. Calling Mr. Hickey into his office, the store manager asked Mr. Hickey if he wished to resign. He did not threaten to fire Mr. Hickey. Mr. Hickey chose to resign.

Earlier in the day Mr. Hickey was one of several people called into a meeting about whether "pick lists" had been completed properly over the past few days. Mr. Hickey pointed out that he had been absent for the previous five days because of strep infection. He was excused from the meeting at that point. On March 16, 2006 he had been called to another meeting in which he was told not to unload full cases of product onto the sales floor. Mr. Hickey was unhappy with these instructions because he felt that it increased his work. He was concerned about his job security, having heard that the company planned to eliminate another position in the meat department. His supervisor, however, had assured him that his job was not in jeopardy.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in this record establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual may receive unemployment insurance benefits if he or she resigns because of intolerable or detrimental working conditions. See 871 IAC 24.26(4). On the other hand, a claimant is disqualified for benefits if he or she resigns because of dissatisfaction with the work environment or because of a personality conflict with the supervisor. See 871 IAC 24.25(21) and (22). The evidence in this record does not persuade the administrative law judge that the working conditions were so onerous or the statements of company management so unreasonable as to constitute intolerable or detrimental working conditions. Benefits are withheld.

DECISION:

The unemployment insurance decision dated April 12, 2006, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

cs/pjs