

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE BROOKS
Claimant

APPEAL NO. 11A-UI-06695-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

**OC: 04/17/11
Claimant: Appellant (1)**

Section 96.5(1) - Voluntary Quit

STATEMENT OF THE CASE:

Michelle Brooks filed an appeal from a representative's decision dated May 10, 2011, 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 June 20, 2011. The employer participated by Elena Rocha, assistant manager. Ms. Brooks did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Brooks was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Brooks began working for Wal-Mart on November 21, 2010 as a part-time cashier. She worked from 29 to 32 hours each week. Her last day of work was April 16, 2011. She submitted a change in her availability so that she would only be required to work day hours. The request was apparently based on transportation issues she had when attempting to work her usual evening hours.

Ms. Brooks was told she would have to speak with Elena Rocha about changing her schedule. Ms. Rocha was on vacation at the time, but was expected back on April 21. Ms. Rocha had worked with her in the past when she needed to adjust her availability. Ms. Brooks did not contact Ms. Rocha. She stopped reporting for available work and was removed from the payroll on April 25, 2011.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Ms. Brooks initiated her separation when she stopped reporting for work. As such, the separation was a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code

section 96.5(1). It appears that Ms. Brooks quit because she did not have transportation to work her normal hours. Inasmuch as the employer was not responsible for her transportation, her separation was not for good cause attributable to the employer. See 871 IAC 24.25(1).

The administrative law judge notes that the employer never refused Ms. Brooks' request to work day hours. She never followed up with Ms. Rocha as directed to see what steps the employer could take to accommodate her. Since Ms. Rocha had worked with her in the past on availability issues, there is no reason to believe she would not have done so on this occasion. For the reason stated herein, benefits are denied.

DECISION:

The representative's decision dated May 10, 2011, reference 01, is hereby affirmed. Ms. Brooks voluntarily quit her employment with Wal-Mart without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw