

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRITTNEY N DAVIS**

Claimant

**APPEAL NO: 14A-UI-03325-D**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 09/29/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Brittney N. Davis (claimant) appealed a representative's March 21, 2014 decision (reference 09) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Wal-Mart Stores, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held on April 21, 2014. The claimant participated in the hearing. One other witness, Doris Bailey, was available on behalf of the claimant but did not testify. Lee Fogo appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on June 15, 2013. Since requesting a transfer to a position as a cashier in about November 2013, she worked part time between 9 and 24 hours per week at the employer's West Des Moines, Iowa store. Her last day of work was March 3, 2014.

There had not been any change in the claimant's hours since she took the transfer to the clerk position, but the claimant wanted to be scheduled for more hours. On March 3 she requested a meeting with the zone manager, which meeting ultimately also included the store manager and the assistant manager, Fogo. The claimant wanted to be transferred to another department, such as the deli department, as she believed more hours might be available there. However, because the claimant had had coachings for attendance, she was not eligible for a transfer to those departments, as the positions would have been a promotion. The employer indicated that she could accept a demotion into a department such as maintenance in which there might also be more hours available, but the claimant declined to do so because she felt she was not

physically able to perform those duties and felt it would be degrading to take a demotion. The claimant became frustrated and got up to leave the meeting. The store manager emphatically indicated that he was not done with the discussion and that she should sit down. The claimant decided that she was done with the employment, told the manager “f - - - you,” and walked out of the meeting and the store.

#### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not established that there had been a substantial change in the contract of hire from that she agreed to by requesting the change to the clerk position. 871 IAC 24.26(1). The claimant has not satisfied her burden. Benefits are denied.

#### **DECISION:**

The representative's March 21, 2014 decision (reference 09) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of March 3, 2014, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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