

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NEURTENE B CAMPBELL**  
Claimant

**APPEAL NO. 08A-UI-03286-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 03/02/08 R: 02  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Wal-Mart Stores, Inc.. (employer) appealed a representative's March 24, 2008 decision (reference 01) that concluded Neurtene B. Campbell (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 17, 2008. The claimant participated in the hearing. Sherrill Wiley appeared on the employer's behalf and presented testimony from two other witnesses, Lavar Miller and Chad Float. 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?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 7, 2000. She most recently worked full time as an assistant manager in the employer's Ames, Iowa store. Her last day of work was February 11, 2008.

The claimant had been going through management training and as part of that process was assigned to the Ames store as of December 10, 2007. Within a few days after starting there, she had difficulties with that store's manager, Mr. Miller. He became upset with her on an area of her job performance and raised his voice at her, telling her to leave the store and to return to the employer's area office in Ankeny Iowa for additional instruction. After some intervention from the area office, the claimant did return to the Ames store a few days thereafter.

On February 11 the claimant and Mr. Miller were in a management staff meeting when Mr. Miller became upset with the claimant on another performance area relating to the claimant's scheduling of clerks. He began screaming at her. She did yell back, but ultimately he again instructed her to leave the store and return to the Ankeny area office. She did not go immediately to the area office, but on February 12 she met with Ms. Wiley, the area human resources manager. Ms. Wiley wanted the claimant to return to the Ames store, but the

claimant refused, indicating that she wanted to step down to her prior job. Ms. Wiley indicated that this was not an option. Ms. Wiley told the claimant to take some time to think about she wanted to do; the claimant responded back on or by February 14 that still was not going to return to working at the Ames store with Mr. Miller and that she understood that this meant that although it made her unhappy, she was giving up her career with the employer.

**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 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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The claimant has demonstrated that a reasonable person would find the elements of the employer's work environment to which the claimant was exposed were detrimental or intolerable. O'Brien v. EAB, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

**DECISION:**

The representative's March 24, 2008 decision (reference 01) is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if 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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