

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA A MILLER
Claimant

APPEAL NO. 11A-UI-08229-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 05/29/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated June 22, 2011, reference 01, which denied unemployment insurance benefits. After due notice was issued, a telephone hearing was held on July 18, 2011. The claimant participated personally. The employer participated by Ms. Marcy Schneider, hearing representative, and witness Ms. Christine Plumb, store manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Barbara Miller was employed by Wal-Mart Stores, Inc. from June 2, 2007, until May 29, 2011, when she voluntarily left employment without notice. Ms. Miller was employed as a full-time assistant manager and was paid by salary. Her immediate supervisor was Christine Plumb, store manager.

Ms. Miller left her employment without notice on the night of May 29, 2011, stating that she was leaving because of "rumors about her on the third shift." The claimant had been transferred to the company's third shift in February 2011 as part of the normal rotation for company assistant manager. Ms. Miller was aware that she would eventually be transferred to the nighttime shift. Prior to leaving employment, the claimant did not request any accommodation or change in her working hours.

It is the claimant's position that she left her employment because of child care needs. The claimant resides in an area away from the store and believed that her two daughters needed supervision at night. Prior to leaving employment, the claimant did not request any assistance in quelling any rumors that may have been circulating.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without 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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An individual who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if working conditions persist in order to preserve eligibility for benefits. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated June 22, 2011, reference 01, is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw