

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

DENA L BROWN
PO BOX 562
CANTON IL 61520

WAL-MART STORES INC
c/o FRICK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-07419-HT
OC: 06/26/05 R: 12
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) - Quit

STATEMENT OF THE CASE:

The claimant, Dena Brown, filed an appeal from a decision dated July 18, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 4, 2005. The claimant participated on her own behalf. The employer, Wal-Mart, participated by Assistant Manager Peggy Ann Christiansen.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Dena Brown was employed by Wal-Mart from April 10, 2001 until June 19, 2005. She was a full-time cashier.

On Thursday, June 16, 2005, the claimant picked up her paycheck and with it was a notice that her wages were being garnished by her landlord. Ms. Brown went to the courthouse on June 17, 2005, and was told by the clerk of court that there was nothing the clerk could do to stop the garnishment. The claimant did not consult with an attorney but notified the employer she was quitting because she did not feel the garnishment was fair. She decided to move back to Illinois to be near her family.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 quit because she did not feel it was fair that her wages were being garnished. The legal matters underlying the garnishment are not known and are, in any event, irrelevant because Wal-Mart was not garnishing her wages for its own purposes, but merely obeying a court order. While Ms. Brown may have had good personal cause for quitting, these reasons do not constitute good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of July 18, 2005, reference 01, is affirmed. Dena Brown is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjw