

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ILENE L KAUFFMAN**  
Claimant

**APPEAL NO. 10A-UI-14434-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 10/04/09**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 11, 2010, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on December 8, 2010. Claimant participated. Bobby Smith, Assistant Manager, represented the employer.

**ISSUE:**

Whether the claimant voluntarily quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Wal-Mart as a full-time overnight cashier from 1999 until September 10, 2010, when she voluntarily quit in response to a mild reprimand from Robin Evans, Customer Service Manager. During the claimant's final shift, Ms. Evans had observed the claimant talking to another employee rather than performing assigned freight duties. Ms. Evans directed the claimant to return to her work duties or face the prospect of a written reprimand. The claimant told Ms. Evans to take the job and shove it. The claimant left the workplace prior to the scheduled end of her shift and did not return. The claimant's husband also worked for the employer and notified employer that he was leaving work early because his wife had just quit. The claimant did not appear for her next scheduled shifts on September 11 September 12 or notify the employer that she needed to be absent. When the claimant did not return by September 12, the employer documented a voluntary quit.

Toward the end of the claimant's employment, the employer scheduled two cashiers to work the overnight shift. In addition, there was a manager on duty and stockers who could supplement the cashiers as needed.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

When a worker voluntarily quits in response to a reprimand, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(28).

The weight of the evidence establishes that the claimant voluntarily quit the employment in response to a mild reprimand and nothing more. The evidence fails to establish that the supervisor in any manner acted inappropriately in redirecting the claimant back to her work duties. The evidence fails to establish any form of intolerable or detrimental working conditions. The absence of such conditions is indicated by the claimant's decision to remain with the employer more than a decade.

The claimant voluntarily quit the employment without good cause attributable to the employer. Accordingly, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

**DECISION:**

The Agency representatives October 11, 2010, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css