

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIKA S WOLFE
Claimant

APPEAL NO: 09A-UI-18314-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 11/08/09
Claimant: Appellant (4)

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part Time Employment

STATEMENT OF THE CASE:

The claimant appealed a representative's December 2, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the employer's account was exempt from charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. A telephone hearing was held on January 15, 2010. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, 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 a part-time job for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 11, 2009. The employer hired the claimant to work as a part-time cashier.

The claimant went on a personal leave of absence, maternity leave, on August 13, 2009. Her leave ended on October 18, 2009. The claimant's physician released her to return to work as of October 18, 2009. The employer sent the claimant a letter that she received on October 15, 2009. The letter informed the claimant that if she did not contact the employer by October 18 about returning to work, she would not have a job.

The claimant did not contact the employer even though she had been released to work. The claimant did not contact the employer because she really wanted a full-time, not a part-time job and she was not emotionally ready to go back to work on October 18, 2009.

The claimant established a claim for benefits during the week of November 8, 2009. Her base period wages are as follows:

	<u>2008/3</u>	<u>2008/4</u>	<u>2009/1</u>	<u>2009/2</u>
Principal Life Insurance	\$6,783	\$10,360		
Wal-Mart Stores				\$1,586.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The facts establish the claimant voluntarily quit her employment by abandoning it after she was released to return to work on October 18, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The evidence shows the claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive benefits. If the claimant had been working full-time, she would not be qualified to receive benefits. The law provides an exception to employees who quit a part-time job without good cause. When a claimant quits a part-time job without good cause, the claimant may still be eligible to receive if she has wage credits in her base period from other employers that make her monetarily eligible to receive benefits. 871 IAC 24.27. Based only on the wage credits the claimant earned from Principal Life insurance from July 1 through December 31, 2008, the claimant is monetarily eligible to receive benefits. Therefore, as of November 8, 2009, the claimant is eligible to receive benefits.

The employer's account will not be charged because the claimant voluntarily quit her employment without good cause. Iowa Code § 96.7-2-a.

DECISION:

The representative's December 2, 2009 decision (reference 01) is modified in claimant's favor. The claimant voluntarily quit her employment for reasons that do would not qualify her to receive benefits, if she had been working full time. Since the claimant is monetarily eligible to receive benefits based only on the wage credits she earned from Principal life Insurance, she is eligible to receive benefits as of November 8, 2009, provided she meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css