

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE K BLOOMFIELD
Claimant

APPEAL NO: 11A-UI-16147-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 08/22/10
Claimant: Appellant (2/R)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part Time Job

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 16, 2011 determination (reference 03) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment on August 1, 2011, for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Michelle Siebele, the assistant grocery manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits because she quit a part time job.

ISSUE:

Did the claimant voluntarily quit her part-time job for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant applied for a job as a cake decorator. When the claimant went to orientation, the employer offered her a different job in the grocery department. The claimant did not have any experience as a cake decorator so the employer offered her a job in the grocery department that paid her a higher hourly wage. The employer told the claimant that after 90 days if she was not happy working in the grocery department, she could ask to transfer to another job that was open. The claimant accepted the part-time grocery department job.

After the claimant started working, she complained about the grocery job. She did not like the job because she did not like to clean and her co-workers left the majority of the cleaning to her.

During the week of September 18, the claimant learned she was pregnant and was restricted from lifting more than 25 pounds. The claimant did not tell the employer she had a weight restriction, but asked the employer if she could transfer to the bakery department. The employer could not allow the claimant to work in another department until she had worked 90 days.

The last day the claimant worked was September 23. The weekend of September 24/25, the claimant called the employer and quit because she was pregnant. The claimant also quit because she wanted to work in the bakery department, not the grocery department. The claimant reopened her claim the week of November 13, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits her employment for reasons that do not qualify her to receive benefits. Iowa Code § 96.5(1). 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 claimant quit because she did not like working in the grocery department after she accepted it. When the employer would not allow the claimant to transfer to another department before she had worked 90 days, she quit as of September 25. The facts do not establish that the claimant told Siebele she had a 25-pound work restriction. The claimant had personal reasons for quitting. If she had been working full time, she would be disqualified from receiving benefits. As a result of the claimant quitting without good cause, the employer's account will not be charged.

When a claimant quits a part-time job and is monetarily eligible to receive benefits based on wages from other employers in her base period, she is eligible to receive benefits. The wage credits the claimant earned from the employer cannot be used to determine her monetary eligibility until she earns ten times her weekly benefit amount. 871 IAC 24.27.

The claimant is eligible to receive benefits as of November 13, the date she reopened her claim for benefits. Since the claimant has a work restriction, the issue of whether she is able to and available for work as of November 13, 2011, will be remanded to the Claims Section to determine.

DECISION:

The representative's December 16, 2011 determination (reference 03) is reversed. First, there was no employment separation on August 1, 2011. The claimant did not begin working for the employer until September 6, 2011. The claimant quit her part-time job as of September 25, 2011, for reasons that would not qualify her to receive benefits if she had been working full time. The employer's account will not be charged. Since the claimant is monetarily eligible to receive benefits based on other wages credits, she is eligible to receive benefits as of November 13, 2011, if she meets all other eligibility requirements. An issue of whether the claimant is able to and available for work with any weight restriction she may have is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs