

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHAMERA A WIGGINS
Claimant

APPEAL NO. 20A-UI-15608-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALMART INC
Employer

OC: 04/12/20
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Admin. Code r. 871-24.27 – Quit of Part Time Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 28, 2020, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 26, 2021. Claimant participated. Employer participated by Jamy Abbott.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer at some time in September or October 2020. Claimant stated that she told employer that she was voluntarily quitting because she no longer had transportation to her job.

Claimant was hired by employer as a full time temporary employee. As a result of multiple difficulties, claimant was not able to work her full time hours on more than a few occasions. Claimant continued to have problems with her attendance, and finally, her ride to work was no longer available. Claimant informed employer that she no longer had a ride and would be quitting employment.

Employer stated that she had no recollection of claimant telling her she was quitting. Employer stated that claimant had not shown for ten straight shifts and then was terminated.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(1) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of transportation difficulties.

Iowa Admin. Code r. 871-24.27 provides:

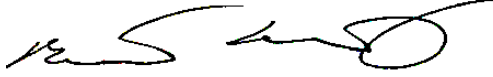
Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 65-5323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

In this matter, although claimant was repeatedly asked if this was part time employment, she stated that this was full time employment. This removes claimant from the benefits afforded through Iowa Admin. Code r. 871-24.27.

DECISION:

The decision of the representative dated October 28, 2020, reference 04, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

February 12, 2021
Decision Dated and Mailed

bab/mh