

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SKYLA R MALLY
Claimant

APPEAL NO: 15A-UI-02484-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 01/25/15
Claimant: Respondent (4/R)

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

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's February 11, 2015 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate at the March 30 hearing. Caleb Sprong, an assistant manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes that because the claimant quit a part time job, she remains eligible to receive benefits because of wage credits she earned from other base period employers.

ISSUE:

Is the claimant eligible to receive benefits if she quits a part-time job without good cause?

FINDINGS OF FACT:

The employer hired the claimant to work as a part-time employee on September 9, 2014. When the claimant started this job, the employer told her that if she failed to call or report to work for three days, the employer would consider her to have abandoned this employment.

The claimant worked as scheduled on September 11. She was next scheduled to work on September 14, 16, 16 and 19. The claimant did not call or report to work after September 11. The employer removed her name from the schedule as of September 20, 2014.

The claimant established a claim for benefits during the week of January 25, 2015. The claimant is monetarily eligible to receive benefits based on wage credits she earned from other base period employees when wages credits from the employer are not included.

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, or an employer discharges her for

work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant abandoned this employment when she failed to call or report to work after September 11, 2014. The claimant quit by abandoning this employment. 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 may have had personal reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. If this had been a full-time job, the claimant would not be qualified to receive benefits. The law provides that when a claimant quits a part-time job without good cause but remains monetarily eligible to receive benefits after wage credits from the employer are deleted, she is eligible to receive benefits. 871 IAC 24.27.

In this case, the claimant quit without good cause so the employer's account will not be charged. Wage credits the claimant earned from the employer cannot be considered to determine the claimant's monetary eligibility. Since the claimant has wage credits from other base period employers, she remains monetarily eligible to receive benefits. This matter will be remanded to the Benefits Bureau to determine if the claimant's monetary eligibility changes when wage credits she earned from the employer are not included when determining her monetary eligibility.

DECISION:

The representative's February 11, 2015 determination (reference 01) is modified in the employer's favor. The claimant voluntarily quit this employment without good cause, but she quit a part-time job. Even though wage credits she earned from the employer cannot be included to determine her monetary eligibility, wage credits she earned from other base period employers still make her monetarily eligible to receive benefits.

This matter is **Remanded** to the Benefits Bureau to determine if the claimant's monetary eligibility changes when wage credits the claimant earned from the employer are not used to determine her monetary eligibility.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css/can