

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELICA M CANTU**  
Claimant

**APPEAL NO. 09A-UI-08863-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 04/12/09**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Angelica Cantu filed an appeal from a representative's decision dated June 15, 2009, reference 01, which denied benefits based on her separation from Wal-Mart Stores, Inc. After due notice was issued, a hearing was held by telephone on July 7, 2009. Ms. Cantu participated personally. The employer opted not to participate.

**ISSUE:**

At issue in this matter is whether Ms. Cantu was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Cantu began working for Wal-Mart on November 13, 2008. She worked approximately 30 hours each week as a cashier. She quit the employment because she did not have childcare that would allow her to continue working third shift.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. In the case at hand, Ms. Cantu quit her employment because she did not have adequate childcare. Since the employer was not responsible for providing childcare, her separation was not caused by the employer. An individual who leaves work because of the lack of childcare is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25(17). For the reasons cited herein, Ms. Cantu is not eligible for job insurance benefits.

Although her employment may have been classified by Wal-Mart as "part-time" work, the administrative law judge concludes that it was not part-time work within the context of 871 IAC 24.27(96). This section allows benefits to an individual who has quit part-time employment

but still has sufficient wage credits to establish a valid claim. The administrative law judge believes this section was intended for those who leave part-time, supplemental employment. Since Ms. Cantu was working 30 hours each week, her job with Wal-Mart was her regular employment, not supplemental employment.

Ms. Cantu may have requalified for benefits in other work after leaving Wal-Mart. It is her responsibility to provide proof of those wages to her local Workforce Development office so that a decision can be made as to whether she has requalified.

**DECISION:**

The representative's decision dated June 15, 2009, reference 01, is hereby affirmed. Ms. Cantu voluntarily quit her employment with Wal-Mart for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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