

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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WAL-MART STORES INC  
c/o THE FRICK COMPANY-UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-01037-ET  
OC 12-21-03 R 03  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated January 29, 2004, reference 01, that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 23, 2004. The claimant participated in the hearing. Lu Phill, Assistant Manager, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time sales associate for Wal-Mart from March 10, 2000 to May 2003. He was hired as a full-time employee at Barker Company in July 2002 and asked Wal-Mart to schedule him fewer hours. Barker's had a plant shutdown in December 2002/January 2003 and the claimant asked Wal-Mart for more hours, but it indicated

it did not have any available. In January 2003 the claimant told Wal-Mart to consider that day as his two-week notice, but worked one weekend in May 2003 when the employer was short-handed.

The administrative record shows that the claimant has requalified for benefits and is otherwise monetarily eligible.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer, has requalified and is otherwise monetarily eligible.

Iowa Code Section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

871 IAC 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 the Form 65-5323 or 60-0186, 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.

Inasmuch as the claimant voluntarily left his part-time employment, the separation is disqualifying. The claimant has requalified for benefits and is otherwise monetarily eligible according to base period wages. Consequently, benefits are allowed, provided the claimant is otherwise eligible.

#### DECISION:

The January 29, 2004, reference 01, decision is modified in favor of the claimant/appellant. The claimant voluntarily left his employment without good cause attributable to the employer but has not requalified for benefits and is otherwise monetarily eligible. Benefits are allowed, provided the claimant is otherwise eligible.

je/b