

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGARET M CRUMLY
Claimant

APPEAL NO. 09A-UI-17957-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 10/04/09
Claimant: Appellant (2-R)

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

STATEMENT OF THE CASE:

Margaret M. Crumly filed a timely appeal from an unemployment insurance decision dated November 24, 2009, reference 01, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held February 8, 2010. Although Ms. Crumly provided a telephone number at which she could be contacted, the number was answered by a recording. The administrative law judge left the phone number of the Appeals Section with instructions that the claimant call right away if she wished to participate. There was no contact from the claimant as of 10:30 a.m. The employer had previously advised the administrative law judge it did not intend to participate in the hearing. In reaching this decision the administrative law judge takes official notice of the documents and statements in the administrative file, agency wage records and benefit payment records.

ISSUES:

Did the claimant leave employment with good cause attributable to the employer?
Was the claimant's employment with Wal-Mart part time?
Does the claimant have sufficient other wage credits to be monetarily eligible for benefits?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Margaret M. Crumly voluntarily resigned from part-time employment with Wal-Mart Stores on or about November 2, 2009. She had recently been laid off from full-time employment with a company known as CCO. The claimant has sufficient base period wage credits from CCO to be monetarily eligible for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The question here concerns the unemployment insurance consequences of the claimant's voluntarily separation from part-time employment with Wal-Mart Stores, Inc. For the reasons which follow, the administrative law judge concludes that no benefits should be charged to the

account of Wal-Mart Stores, Inc., that the claimant is monetarily eligible to receive unemployment insurance benefits based on her full-time base period wages, and that this matter must be remanded to the Unemployment Insurance Services Division for the recomputation of the claimant's benefits.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. In her statement to the fact-finder, Ms. Crumly stated only that she voluntarily quit part-time employment with Wal-Mart Stores. No reason is listed. The administrative law judge concludes that the claimant has not established good cause attributable to the employer for the resignation. Since the separation was without good cause attributable to the employer, no benefits shall be charged to the account of Wal-Mart Stores, Inc.

A provision of the Iowa Administrative Code, 871 IAC 24.27, provides that if an individual resigns from part-time employment without good cause attributable to the part-time employer but has sufficient other base period wage credits to be monetarily eligible for unemployment insurance benefits, the individual is entitled to receive those benefits. Removing the claimant's base period wage credits from Wal-Mart Stores, Inc., may result in a lower weekly and/or maximum benefit amount. To determine the dollar amount of the benefits the claimant may be entitled to receive, this matter must be remanded to the Unemployment Insurance Services Division for computation of those benefits.

DECISION:

The unemployment insurance decision dated November 24, 2009, reference 01, is reversed. The claimant voluntarily left part-time employment without good cause attributable to the employer. The question of the claimant's weekly and maximum benefit amounts must be recomputed by removing the wage credits from Wal-Mart Stores. This case is remanded to the Unemployment Insurance Services Division for such computation. The claimant is entitled to receive benefits based upon the remaining wage credits, provided she is otherwise eligible. Before the claimant may use her wages from Wal-Mart Stores for the computation of future benefits, she must earn and be paid insured wages of at least ten times her weekly benefit amount and meet all other eligibility requirements.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs