

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALFRED L LANG**  
Claimant

**APPEAL NO. 07A-UI-03598-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 03/11/07 R: 02**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Alfred Lang, filed an appeal from a decision dated April 3, 2007, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 24, 2007. The claimant participated on his own behalf. The employer, Hy-Vee, participated by Manager of Perishables Brian Amsberry and Store Director Mark Luke and was represented by TALX in the person of David Williams.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Alfred Lang was employed by Hy-Vee from March 31, 2006 until March 10, 2007, as a full-time night stock clerk working 10:00 p.m. until 6:00 a.m.

On the March 9-10, 2007, shift the claimant was written up for failing to follow instructions by the night stock supervisor. The morning of March 10, 2007, the claimant and Manager of Perishables Brian Amsberry discussed the warning because Mr. Lang disagreed with it. Mr. Amsberry had no personal knowledge of what had occurred and the supervisor had already left for the day, so he gave the claimant the opportunity to come in the next morning to discuss his concerns directly with the supervisor and himself.

Later that day the claimant came in with a written resignation which he presented to Mr. Amsberry and Store Director Mark Luke, in which he alleged harassment and discrimination. Both Mr. Amsberry and Mr. Luke encouraged the claimant to give specific examples of his concerns so they might be addressed but he refused.

**REASONING AND CONCLUSIONS OF LAW:**

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 alleges he was fired by the employer but there is nothing in the record to support this. Mr. Lang quit because he was alleging harassment and unfair treatment, but he had never brought these concerns to the attention of the employer prior to March 10, 2007. He also refused to give any specific information regarding his allegations so that the employer was not able to investigate and resolve his concerns. Mr. Lang did not afford the employer any opportunity to correct the problems he may have encountered and therefore his resignation was without good cause attributable to the employer. He is disqualified.

**DECISION:**

The representative's decision of April 3, 2007, reference 01, is affirmed. Alfred Lang is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/pjs