

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY L CARMER**  
Claimant

**APPEAL NO. 07A-UI-09021-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 12/24/06 R: 03**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Jeremy Carmer, filed an appeal from a decision dated September 20, 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 October 8, 2007. The claimant participated on his own behalf. The employer, Hy-Vee, participated by Manager of Store Operations Mike Pose, Meat Specialists Daren Hance and Don Pearce, 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:**

Jeremy Carmer was employed by Hy-Vee from June 10, until August 18, 2007, as a part-time meat clerk. On August 18, 2007, the claimant asked for Monday, August 20, 2007, off and Meat Specialist Daren Hance told him to get a substitute for his shift. As he was going through the list of employees Meat Specialist Don Pearce suggested he call a former employee because she was the “same caliber” of worker as he was.

The claimant felt this was an insult, because he believed Mr. Pearce had made derogatory remarks about the former employee being slow. The claimant admitted he “liked to talk” and often did not get all of his assigned tasks completed by the end of the shift. Mr. Hance and Mr. Pearce would both tell him he needed to talk less and get more work done. Rather than notify his supervisors or the store managers and request a resolution, he quit on August 18, 2007.

**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.

871 IAC 24.25(6) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(6) The claimant left as a result of an inability to work with other employees.

The claimant quit because he was not getting his work done and resented comments from other employees that he should hurry up, talk less, and concentrate on work. This was his job to do and the other employees were his nominal supervisors. His resentment of being told to do his work resulted in his decision to quit but does not constitute good cause attributable to the employer. He made no substantive effort to report his problems to a higher authority and request a specific remedy. The record establishes he did not have good cause attributable to the employer and he is disqualified.

**DECISION:**

The representative's decision of September 20, 2007, reference 01, is affirmed. Jeremy Carmer is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw