

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

HOANG NGUYEN

Claimant

and

HY-VEE INC

Employer

: **APPEAL NUMBER:** 22B-UI-17157

: **ALJ HEARING NUMBER:** 22A-UI-17157

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law as follows:

The evidence in the record establishes an August 20, 2022 voluntary quit without good cause attributable to the employer. Based on the evidence in the record, the administrative law judge reaches the same conclusion the employer must have reached during the employment: the Claimant's allegations were not credible. He failed to establish he worked under detrimental and intolerable working conditions. ~~that the claimant's perception is fundamentally flawed, defies reason and common sense, and is fundamentally unreliable. The claimant presents as excessively fragile, manipulative and predisposed fabrication. The weight of the evidence indicates the claimant's various allegations of harassment were not based in fact, but arose instead from an apparent ongoing mental health issue. If the evidence had indicated actual incidents of harassment, the administrative law judge would give that evidence appropriate weight, but there are no bona fide incidents of harassment here.~~

The claimant voluntarily quit due to inability to work with others and due to dissatisfaction with the work environment. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The employer's account shall not be charged.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv