

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WAYNE A RING
Claimant

APPEAL NO. 11A-UI-10139-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 07/03/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Wayne A. Ring filed a timely appeal from an unemployment insurance decision dated July 26, 2011, reference 01, that disqualified him for benefits. Due notice was issued for a telephone hearing to be held August 24, 2011. With the consent of the parties, it was held on August 26, 2011. Mr. Ring participated on his own behalf. Alice Rose Thatch, Attorney at Law, appeared on behalf of the employer, Hy-Vee, Inc. Store Manager Zack Shank testified. Employer Exhibits One through Three were admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Wayne A. Ring was employed as a part-time courtesy clerk by Hy-Vee, Inc. from March 13, 2006 until he resigned June 16, 2011. Store Manager Zack Shank issued a warning to Mr. Ring on June 16 about his interaction with customers and co-workers. Mr. Shank had been told that Mr. Ring would sometimes mock co-workers and customers in a voice loud enough that others could hear him. He did not threaten to fire Mr. Ring immediately and he did not ask Mr. Ring to resign. After Mr. Ring left for the day, he called Mr. Shank and submitted his immediate resignation. Mr. Ring did not believe that he deserved the warning that he had received. He also thought that some of the other courtesy clerks wandered around the store rather than performing their duties. He had not brought this to the attention of Mr. Shank.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code § 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.

An individual who resigns after receiving a warning is presumed to leave work without good cause attributable to the employer. See 871 IAC 24.25(28). One who resigns because of inability to work with other employees or because of general dissatisfaction with the work environment also leaves work without good cause attributable to the employer according to 871 IAC 24.25(6) and (21), respectively.

The evidence in this record persuades the administrative law judge that Mr. Ring resigned under circumstances contemplated by these rules. Benefits are withheld.

DECISION:

The unemployment insurance decision dated July 26, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs