

**ASSERTION OF WAGE CLAIM NOT SUFFICIENT TO  
SUPPORT A CLAIM FOR RETALIATORY DISCHARGE**

In *Myers v. Myers*, 861 N.E.2d 704 (Ind. 2007), the Indiana Supreme Court addressed the issue of what types of underlying claims will support an employee's action against an employer for retaliatory discharge. The employee, Paul Myers, filed an action against his employer for unpaid wages and for wrongful termination, claiming that he had been fired for bringing a wage claim. The trial court relied upon the doctrine of employment at-will in dismissing the wrongful discharge claim. On appeal, the Indiana Supreme Court further defined the scope of the retaliatory discharge exception. Indiana has long recognized that an employee may maintain an action for retaliatory discharge when allegedly fired for asserting a worker's compensation claim. *Frampton v. Cent. Indiana Gas Co.*, 297 N.E.2d 425 (1973). Furthermore, Indiana law recognizes that an employee cannot be fired in retaliation for refusing to violate a law or ordinance. See *McClanahan v. Wilmington Freight Lines*, 517 N.E.2d 390 (Ind. 1988). The court rejected the employee's contention that he should be able to maintain an action for retaliatory discharge where he was terminated because he filed a wage claim. The court refused to further prove the employment at-will doctrine by holding that retaliatory discharge exception to the employment at-will doctrine will only be recognized when there is specific statutory language which prevents an employer from circumventing a specific claim or when an employee is terminated for refusing to violate the law. The court concluded by stating that if the retaliatory discharge exception to the employment at-will doctrine is to be expanded, it will need to be by legislation, rather than judicial decision.