

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID E ZUERCHER
Claimant

APPEAL NO. 08A-UI-08434-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

AARON CORPORATION
Employer

**OC: 08/17/08 R: 02
Claimant: Appellant (2)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, David Zuercher, filed an appeal from a decision dated September 19, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, on October 7, 2008. The claimant participated on his own behalf. The employer, Arona Corporation, was paged in the main waiting area at 12:59 p.m. and at 1:18 p.m. No one responded and the employer did not participate.

ISSUE:

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

FINDINGS OF FACT:

David Zuercher was employed by Arona Corporation from November 2003 until August 8, 2008 as a full-time manager trainee in the collections department. The corporation required each store to meet certain standards as far as the percentage of customers who were not making monthly payments on the goods being rented. During the past year, the percentage was being steadily lowered and each store was to maintain compliance.

Regional Manager Rob Last would inform the stores under his direction of the new requirements and the store in which Mr. Zuercher worked maintained its compliance, though it was becoming more difficult with the percentage being lowered. Mr. Last was “heavy handed” in his managerial style, at one point telling everyone in the store they should come to work each day expecting to be fired. Mr. Zuercher and the others in the collections department spoke with Mr. Last and Store Manager Mike Waters about this in June 2008, stating this style of management caused stress and poor morale, and was not going to inspire confidence or willingness in the employees. For a while Mr. Last’s style improved, but then began to return to the more threatening and negative.

The week ending August 8, 2008, the collections department was again informed of another lowering of the acceptable percentage rate. E-mails were sent to all employees giving the information about the new percentage rate, and also informing everyone if they did not like the

change, they should look for another job. Mr. Zuercher gave his resignation to Mr. Waters and Mr. Last on August 8, 2008.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant quit due to a hostile work environment. The regional manager's style was threatening and demoralizing and did not improve even after complaints were made to him by the staff. As the employees were expected to meet harder and harder collection percentage goals, it does not appear the management gave any encouragement or training, and no suggestions other than "if you do not agree, look for another job." The claimant quit after another downward adjustment of the goals and the suggestion to quit if he did not agree. Under the provisions of the above Administrative Code section, this is a voluntary quit with good cause attributable to the employer.

DECISION:

The representative's decision of September 19, 2008, reference 01, is reversed. David Zuercher is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw