

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DERRIK D ANDERSON  
1107½ - 4<sup>TH</sup> ST  
FULTON IL 61252

RENT-A-CENTER INC  
5700 TENNYSON PKWY #3  
PLANO TX 75024-3556

Appeal Number: 04A-UI-02974-DWT  
OC 02/15/04 R 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Derrick D. Anderson (claimant) appealed a representative's March 9, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Rent-A-Center, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 6, 2004. The claimant participated in the hearing. Allison Peterson, a human resource generalist, and Jerry Marquez, the store manger, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on October 31, 2002. Prior to his separation, the claimant worked as an associate manager until he was promoted in December 2003 to an inside-outside assistant manager. As an assistant manager, the claimant's job duties still required him to make deliveries, but not as many. As an assistant manager part of his new duties required him to be in the sales room more.

Before the claimant was promoted to an assistant manager, he noticed the employer did not require a female associate manager to make deliveries. When he questioned the former store manager about this situation, he learned the employer did not want to push her to make deliveries because there was a class action suit pending that alleged the employer discriminated against females. The former store manager also told the claimant that other employees did not want to work with the female or make deliveries with her.

Marquez became the store manager on January 19, 2004. Shortly after he became the store manager, the claimant told Marquez he needed training so he could do his new job on the sales floor; he told him about employees not doing their work, which meant the claimant had to do their work; and how he did not get along with some employees. After Marquez became the store manager, he had a female employee doing deliveries more often than she had before. The claimant still did not believe she did enough deliveries, which meant he picked up the slack because of the female employee's failure to do her job duties. This meant the claimant was making deliveries instead of receiving training or working on the sales floor. Even though Marquez did not believe the claimant made any more deliveries than another assistant manager, the claimant believed he was singled out to make deliveries.

The claimant felt the employer discriminated against him by allowing a female to do nothing or almost nothing and then giving the claimant the female employee's work to do. The claimant did not file a discrimination complaint against the employer or report his concerns to the human resource department. The claimant just talked to his co-workers and expressed his opinion that he felt the employer discriminated against him.

Even after the claimant received his promotion in December 2003, the claimant and his wife talked about whether the claimant should quit working so he could go back to school. On February 10, the claimant told Marquez he was quitting. Marquez learned from co-workers how dissatisfied he was at work with the amount of deliveries he did, how work created problems at home and that the claimant decided to go back to school. The claimant's resignation was effective immediately.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause. Iowa Code §96.5-1. The claimant voluntarily quit his employment on February 10, 2004. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). However, the law also presumes a claimant has voluntarily quit without good cause when he quits because of dissatisfaction with the work environment or because he does not want to perform the assigned work. 871 IAC 24.25(21) and (27).

The facts establish that until December 2003 when the claimant became an assistant manager, his primary job, as an associate, was to make deliveries. The claimant's dissatisfaction with his job began before he became an assistant manager because he concluded the employer treated him unfairly. The claimant made this conclusions because the employer allowed a female associate manager to get away with not doing her job, making deliveries. When the claimant's former supervisor did not assign the female employee to make deliveries, the claimant did not report his concerns to anyone in the human resource department.

After Marquez took over as the store manager on January 19, he immediately began addressing the claimant's concerns. Under Marquez's direction, the female employee started making deliveries. From January 19 through February 10, the claimant noticed she made some deliveries but still not as many as he believed she should. Marquez even gave the claimant a day or two of training in the store. Marquez continued working on the claimant's concerns and believed he had some time to make the necessary changes to address the claimant's concerns. Marquez had no idea the claimant was not satisfied with the progress the employer had made since January 19. When Marquez asked the claimant the day before he quit, if he had any concerns he wanted to talk about, the claimant told him no. Even when the claimant quit, he did not give the employer a reason for quitting.

The facts indicate the claimant quit in part because the employer did not make a female employee make deliveries until Marquez began working on January 19, 2004. By the time Marquez became the store manager, the claimant and his wife were already seriously talking about the claimant quitting his job. Even if the former store director did not make a female go out on deliveries, the claimant did not establish that he worked under detrimental or intolerable working conditions. When the claimant quit, the employer was addressing his concerns regarding the special treatment of the female employee. The employer did not know the claimant had any deadline in which the employer needed to resolve the claimant's concerns. The evidence suggests the claimant made his mind up to quit before Marquez became the store manager because he did not like his job and planned to improve his job opportunities by going to school.

The claimant established compelling personal reasons for quitting. He did not, however, establish that he quit because of detrimental or intolerable working conditions. As of February 15, 2004, the claimant is not qualified to receive unemployment insurance benefits.

#### DECISION:

The representative's March 9, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 15, 2004. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/kjf