

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1225

Reversed
No Disqualification

PROCEDURAL HISTORY: On August 31, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 75520). Claimant filed a timely request for hearing. On September 24, 2015, ALJ Murdock conducted a hearing, and on September 29, 2015 issued Hearing Decision 15-UI-45090, affirming the Department's decision. On October 15, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) The Travelers Indemnity Company employed claimant from June 23, 2011 to July 23, 2015 as an automobile liability inside claims representative.

(2) Due to the employer's business reorganization in 2013, claimant's caseload doubled during the last two years of her employment. Claimant was not able to manage her workload successfully as she had in the past due to her high caseload.

(3) In 2014, claimant's doctor determined claimant had high blood pressure and was at risk for a stroke. Claimant had not been diagnosed with high blood pressure before 2014, and attributed her high blood pressure to work stress due to being unable to manage the increased workload. Claimant began taking medication to treat her blood pressure. The medication helped control claimant's condition, but claimant needed to take breaks at work to relieve her high blood pressure when it became elevated, experienced insomnia, and had crying episodes after work due to work stress.

(4) The employer conducted weekly team meetings. In May 2015, at a staff meeting, the employer told claimant it expected the workload level to get worse before it improved. For claimant's workload to improve, the employer had to hire new staff. By July 2015, the employer had not hired new staff and its inventory, and claimant's workload, continued to increase.

(5) Claimant quit work on July 23, 2015 due to the effect of work stress on her health.

CONCLUSIONS AND REASONS: We disagree with the Department and the ALJ and conclude claimant quit work with good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless she proves, by a preponderance of the evidence, that she had good cause for leaving work when she did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). “Good cause” is defined, in relevant part, as a reason of such gravity that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would have no reasonable alternative but to leave work. OAR 471-030-0038(4) (August 3, 2011). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for her employer for an additional period of time.

Claimant quit work because her working conditions caused her to develop high blood pressure, creating a risk to her health. In Hearing Decision 15-UI-45090, the ALJ concluded claimant quit work without good cause because she did not establish she faced a situation of such gravity that she had no reasonable alternative but to quit work.¹ The ALJ reasoned that claimant did not face a grave situation at work because she had not been disciplined for failing to manage her workload, and medication controlled her high blood pressure.

We disagree and conclude claimant faced a grave situation because her working conditions caused her to develop chronic high blood pressure for the first time in her life, seek medical attention, experience insomnia and crying episodes due to stress, and take medication to control high blood pressure. Moreover, although claimant was not disciplined for her inability to manage her caseload, her inability to do so contributed to her stress at work. There was no evidence to show that claimant’s working conditions would improve, or that any measure taken by claimant would improve her working conditions or lessen their impact on her health. To the contrary, claimant’s employer told her conditions would worsen before they improved, and although claimant’s symptoms were controlled by medication and taking breaks at work, her medical condition had persisted since 2014. We thus conclude no reasonable and prudent person of normal sensitivity, exercising ordinary common sense, whose health was seriously affected by her working conditions, would continue working for the employer for an additional period of time under the circumstances claimant described. Claimant quit work with good cause and is not disqualified from receiving unemployment insurance benefits because of this work separation.

DECISION: Hearing Decision 15-UI-45090 is set aside, as outlined above.²

Susan Rossiter and J. S. Cromwell.

DATE of Service: November 9, 2015

¹ Hearing Decision 15-UI-45090 at 2.

² This decision reverses a hearing decision that denied benefits. Please note that payment of any benefits owed may take from several days to two weeks for the Department to complete.

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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