

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1331

Affirmed
Disqualification

PROCEDURAL HISTORY: On September 21, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 123334). Claimant filed a timely request for hearing. On October 16, 2015, ALJ Murdock conducted a hearing, and on October 20, 2015 issued Hearing Decision 15-UI-46204, affirming the Department's decision. On November 6, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Viridian Management Inc. employed claimant from January 26, 2015 to August 27, 2015 as a property site manager.

(2) At the time claimant's employment ended, claimant managed one apartment complex for the employer. Although claimant had experience with some aspects of the job, she did not have experience with a property like the one she managed for the employer, with a high number of occupancy violations and evictions, and frequent police involvement on the property. She also had to prepare weekly and annual reports and provide documentation regarding public housing guidelines to the employer's compliance companies. The property claimant managed when her employment ended was funded through the HOME program. Claimant did not have experience with the HOME program or with some of the computer programs the employer used to maintain records.

(3) The employer provided claimant with training at hire, and additional online training during her employment. Claimant believed the training was inadequate to enable her to complete both daily property management issues and long-term reporting requirements.

(4) Claimant's employer expected claimant to refrain from working overtime, but claimant sometimes worked overtime to try to complete her work. Claimant told her supervisor "a few times" that she needed staff assistance and additional training to complete her duties. Audio Record at 5:46 to 5:58. On occasion, claimant's supervisor went to claimant's office to assist her, and sent other employees to assist and train claimant. However, only the supervisor was familiar with HOME requirements. Claimant

believed the training was inadequate to enable her to complete both daily property management issues and long-term reporting requirements.

(5) On May 19, 2015, the employer gave claimant a warning for an error claimant made, and another for insubordination when claimant sent an email to her supervisor about the error stating, "I'll try not to do this again. No guarantees. I hope." Audio Record at 9:52 to 9:58.

(6) Claimant experienced stress from managing the property, which she attributed to her workload and inadequate training. Claimant experienced neck pain and headaches, which she believed were caused by work stress. Claimant's chiropractor provided claimant with treatment that reduced, but did not alleviate, the pain. Her chiropractor did not advise claimant to quit her job.

(7) In August 2015, the employer assigned claimant the task of collecting information to recertify 13 apartments for public housing. Claimant was frustrated because the cases were complicated and she sometimes had to provide the same information more than once to the compliance companies and meet with tenants multiple times. Claimant asked her supervisor for assistance, and the employer removed 10 of the apartments from claimant's duties.

(8) On August 27, 2015, claimant asked her supervisor for assistance and training regarding how to complete her annual reports in a timely manner while performing daily managerial duties. Claimant also told her supervisor that two of her reports would not be timely due to her workload. The employer gave claimant two warnings for failing to complete two reports in a timely manner. The employer told claimant her job was not in jeopardy due to the warnings.

(9) On August 27, 2015, claimant quit work because her job was stressful, and because the employer gave her warnings when she was unable to complete her work in a timely manner.

CONCLUSIONS AND REASONS: We agree with the ALJ and conclude claimant voluntarily left work without 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 left work, in part, because of the stress she experienced in performing her duties without what she considered to be sufficient staff support and training. Although claimant established her working conditions were difficult, she did not show they were objectively grave. Claimant experienced neck pain and headaches, but her medical condition was not so severe that she was advised by a medical professional to quit work. Claimant contended that her stress was caused by her workload and inadequate training, but did not establish that either her workload or lack of training created a grave

situation. Although claimant was dissatisfied with the training she received, the employer provided her with training at hire, additional online training, and in-person training from her supervisor and other employees. When claimant complained about her workload, the record shows the employer made efforts to assist her by sending employees to train her, and by reducing her workload in August 2015 by reassigning 10 of the 13 apartments undergoing recertification that were originally assigned to claimant. Claimant did not demonstrate that she faced a situation of such gravity due to the demands of her job that she had no reasonable alternative but to quit due to stress and the associated health conditions.

To the extent claimant quit work because she received two warnings for failing to complete two reports on time, claimant did not show she had no reasonable alternative but to leave work for that reason. Claimant was dissatisfied that she received the warnings. However, her employment was not in jeopardy due to the warnings when she quit. Although claimant felt pressure due to the warnings, she did not show that the stress the warnings left her with no reasonable alternative but to quit due to work stress. Claimant failed to show that no reasonable and prudent person in her circumstances would have continued to work for the employer for an additional period of time.

Claimant quit work without good cause and is disqualified from receiving unemployment insurance benefits until she has earned four times his weekly benefit amount from work in subject employment.

DECISION: Hearing Decision 15-UI-46204 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: December 14, 2015

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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