

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0201**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 2, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 110218). The employer filed a timely request for hearing. On February 16, 2016, ALJ Demarest conducted a hearing, and issued Hearing Decision 16-UI-53003, concluding claimant quit work without good cause. On February 24, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Carry On Trailers employed claimant as a sawyer and forklift operator from July 15, 2015 to October 20, 2015.

(2) Claimant was dissatisfied with several aspects of his working environment. He thought the night shift crew put items away with the intent to make it hard for claimant to get to them, he disliked that his coworkers were critical of his errors and yelled at or to him about the work, and he was dissatisfied with the training he had received. Claimant was frustrated working with the employer and felt it was very frustrating to work for the employer. Claimant discussed things with his coworkers when they happened, but did not notify his supervisor, general manager or the plant manager about any of his concerns.

(3) On October 16, 2015, the employer notified employees that a former employee had made a threat against the employer's business. The employer notified the appropriate law enforcement agency about the threat and law enforcement took action against the former employee. The employer also reminded employees of its active shooter and intruder procedures. Claimant did not know the nature of the threat the former employee made *i.e.*, whether it was a threat of vandalism, violence, or of negative publicity, and he did not ask. Claimant did not report to work for his next scheduled shift on October 19, 2015. He told the employer that he was sick.

(4) On October 20, 2015, claimant quit work. Claimant left a voicemail message for the employer in which he stated he was quitting because of a hostile work environment. However, claimant would not

have quit work at that time if the employer had provided him with adequate training. Audio recording at ~15:50.

**CONCLUSIONS AND REASONS:** We agree with the ALJ that claimant quit work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless he proves, by a preponderance of the evidence, that he had good cause for leaving work when he 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 his employer for an additional period of time.

Claimant did not establish that he quit work because of a grave situation and had no reasonable alternatives to quitting work when he did. Claimant quit work primarily because he felt his training was inadequate, but he did not explain why it was inadequate or show that the lack of training created a grave situation for him. Likewise, to the extent claimant’s other concerns contributed to his decision to quit work, he also did not explain why those conditions were so grave that he had no reasonable alternative but to quit work because of them. Additionally, claimant never gave the employer the opportunity to address any of his concerns before he quit work. In the absence of evidence that his supervisor, the general manager or the plant manager would have been unresponsive to his concerns, or that they were incapable of resolving them, claimant has not shown that notifying the employer of his concerns and giving the employer the opportunity to address them would have been an unreasonable or futile alternative to quitting work.

Claimant quit work without good cause. He is disqualified from receiving unemployment insurance benefits because of his work separation.

**DECISION:** Hearing Decision 16-UI-53003 is affirmed.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, not participating.

**DATE of Service:** March 7, 2016

**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](http://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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