

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0236**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On November 20, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 124713). Claimant filed a timely request for hearing. On February 18, 2016, ALJ Ballinger conducted a hearing and issued Hearing Decision 16-UI-53299, affirming the Department's decision. On February 26, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Commercial Property employed claimant from September 27, 2011 until September 23, 2015 as a part time housekeeper and groundskeeper.

(2) Claimant worked approximately 25 to 30 hours per week. Before September 22, 2015, her duties included cleaning laundry rooms, common areas and vacant rooms, and collecting garbage at some of the employer's properties each day. Claimant also assisted tenants in the office when the property manager was absent or busy.

(3) In September 2015, the employer's general manager hired a new property manager to manage the properties where claimant worked and to supervise claimant.

(4) On September 22, 2015, the general manager reviewed claimant's job performance and put her on probation because the manager was dissatisfied with claimant's performance of some of her duties. Claimant disagreed with the general manager's assessment of her performance and was unhappy that she had been put on probation.

(5) On September 22, 2015, the general manager recommended to the property manager that claimant no longer perform customer service at in the office or collect garbage every day. The general manager recommended to the property manager that claimant instead collect garbage every other day. Claimant's managers did not tell claimant the changes would result in a reduction in claimant's hours, but claimant believed her hours would be reduced. She did not discuss the potential reduction in hours with the managers.

(6) Also on September 22, 2015, the general manager changed the lock on the supply room door because the employer had discharged the former property manager. Claimant no longer had a key to personally access the supplies she used to clean. The property manager and one other person had a key. Claimant did not ask the property manager or the general manager how she would access the items she needed to perform her cleaning duties.

(6) On September 23, 2015, claimant quit work due to the changes implemented by her general manager on September 22, 2015.

**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 did not quit work for a grave reason, and thus has not shown that no reasonable and prudent person would have continued to work for her employer for an additional period of time. Claimant quit, in part, because she anticipated that changes in her work duties would result in a reduction in her hours. Under OAR 471-030-0038(5)(e), an individual who leaves work due to reduction in hours has left work without good cause “unless continuing to work [for the employer] substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received.” However, claimant did not show by a preponderance of the evidence that the changes in her work duties would reduce her hours. Even had claimant shown her hours would be reduced, she made no claim that the personal expense of continuing to work for the employer exceeded her remuneration, or that continuing to work for the employer interfered to such an extent with her ability to obtain full time work that she had no choice but to quit.

Claimant also asserted that she could not continue working for the employer after September 22, 2015 because she no longer had access to the storage room containing the supplies she needed to perform her duties. Audio Record at 14:22 to 15:14. Rather than assuming she would receive no supply room key or otherwise be given access to the supplies, claimant had the reasonable alternative of asking the property manager or general manager how she would access the supplies.

To the extent claimant quit work because the general manager put her on probation, claimant did not show good cause to quit. The general manager had a right to address work performance issues with claimant, and there was nothing in the record to suggest that the general manager’s actions created the type of “oppressive situation” that constitutes good cause to quit. *See e.g. McPherson v. Employment Division*, 285 Or 541,557, 591 P2d 1381 (1979) (claimants not required to “sacrifice all other than

economic objectives and \*\*\* endure racial, ethnic, or sexual slurs or personal abuse, for fear that abandoning an oppressive situation will disqualify the worker from unemployment benefits). Rather than quit, claimant had the reasonable alternative of discussing her concerns about the probation with a manager and trying to improve her performance to meet the employer's expectations.

We therefore conclude that claimant quit work without good cause, and that she is disqualified from the receipt of unemployment insurance benefits based on this work separation.

**DECISION:** Hearing Decision 16-UI-53299 is affirmed.

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

**DATE of Service:** March 18, 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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