

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0917**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On June 24, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 93346). Claimant filed a timely request for hearing. On July 28, 2016, ALJ Seideman conducted a hearing, and on August 5, 2016 issued Hearing Decision 16-UI-64901, affirming the Department's decision. On August 5, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) PeaceHealth employed claimant from September 14, 2001 until April 1, 2016, last as a purchasing agent or buyer for the surgical services department in its hospital in Springfield, Oregon.

(2) By approximately 2014, the employer had transferred many of its buyer positions to its main office in Vancouver, Washington. Only a few of the buyer positions remained at local hospitals. Claimant's position remained at the local hospital in Springfield. In approximately 2014, claimant's supervisor began working for the employer. Claimant's supervisor worked out of the employer's main office in Vancouver.

(3) Claimant had a poor relationship with her supervisor. Claimant thought that her supervisor acted "aggressively" toward her and was often "hostile." Audio at ~8:03. Sometimes, the supervisor commented that claimant should not be working out of the hospital in Springfield and her job should be transferred to the main office in Vancouver. Sometimes, when the supervisor discovered that claimant had created a requisition for a purchase as well as creating the purchase order for the same purchase, the supervisor stated, "If you want to be a requisitioner [sic], that's fine, [but] I'll have to take away all your buying rights." Audio at ~30:06. The employer's policies required requisition requests for purchases (purchase orders) to originate from authorized employees, and purchasing agents, like claimant, were both not authorized to make requisitions for purchases and were prohibited from doing so.

(4) After 2014, claimant's supervisor sometimes neglected to tell her about changes in the employer's procedures for purchases and claimant learned about them through conversations with other purchasing agents or when her supervisor rebuked her for failing to follow those procedures. Claimant disliked the manner in which her supervisor informed her of new procedures. One time, claimant told her supervisor that it seemed to her the supervisor was trying to induce her to leave work. The supervisor responded to claimant, "Do what you have to do and if you have the move on then move on." Audio at ~10:53.

(5) After 2014, claimant went to the employer's human resources office on a number of occasions to complain about her supervisor's behavior. Each time, the human resources representative to whom claimant spoke told claimant there was nothing he or she could do in response to claimant's complaints.

(6) As claimant became increasingly dissatisfied with her supervisor, she began to look for a new job. As a result of her search for new work, claimant came to the conclusion that she would be unable to secure a job with pay and benefits substantially comparable to that which she received from the employer because she did not have a college degree. Claimant concluded that she would need to return to school if she wanted subsequent employment that paid as well or better than her job with the employer.

(7) On March 15, 2016, claimant submitted a resignation notice to her supervisors that stated her last day would be April 1, 2015. Exhibit 1 at 1. Although claimant did not state why she was resigning in her notice, she resigned because she believed the supervisor was threatening to demote her when the supervisor mentioned she would arrange for claimant to make requisitions and take away her purchasing responsibilities and because working under her supervisor was adversely affecting claimant's health. When the supervisors received claimant's resignation notice, they were surprised and took steps to try to retain claimant as an employee, including learning and correcting what had caused her to decide to leave work. Claimant refused to stay.

(8) On March 30, 2016, claimant voluntarily left work after notifying the employer she was not going to work until April 1, 2016. Claimant started school on June 1, 2016.

**CONCLUSIONS AND REASONS:** 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 contended she quit work because her supervisor was "harassing and bullying her," had threatened to demote her to a "requisitioner" position, and her health required it. Audio at ~9:28, ~12:46, ~13:00. With respect to the behavior of her supervisor, claimant did not provide any descriptive detail supporting her repeated conclusory assertions that the supervisor's behavior was "harassing" and

“bullying,” which tends to suggest, viewed objectively, that it was neither. Absent at least some specific evidentiary detail corroborating claimant’s negative characterization of the supervisor’s behavior, there is insufficient evidence in the record to support the conclusion that it constituted harassment or bullying or that it created a grave reason necessitating that claimant leave work. With respect to claimant’s contention that the supervisor threatened to demote her, claimant did not refute the supervisor’s testimony that she made her comments to claimant about requisitioning duties in the context of addressing claimant’s propensity to engage in the prohibited practice of purchasing items on her own requisition request. Audio at ~ 31:02, ~31:50. While the supervisor’s comment could have been a veiled threat to demote claimant, it is equally susceptible of being interpreted as a pointed comment to claimant that she was prohibited from performing both requisitioning duties and purchasing duties and she needed to choose to perform one or the other, but not both. Absent additional evidence giving a fuller context to the supervisor’s comment, claimant did not demonstrate that it was a reasonably construed as a threat to demote her. With respect to claimant’s contention that she quit due to the effects on her health of remaining employed, claimant did not describe at all what those effects were and further stated that she did not consult with a physician about them, suggesting that they were not grave since she was not motivated to seek medical treatment. Audio at ~13:17. Absent more specific evidence about the alleged impacts of the supervisor’s behavior on her health, claimant did not demonstrate that grave health considerations caused her to leave work. In sum, claimant did not present sufficient evidence to establish that grave reasons caused her to leave work.

Claimant did not show good cause for leaving work when she did. Claimant is disqualified from receiving unemployment insurance benefits.

**DECISION:** Hearing Decision 16-UI-64901 is affirmed.

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

**DATE of Service:** September 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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