

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0999**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On July 11, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 85608). Claimant filed a timely request for hearing. On August 9, 2016, ALJ Frank conducted a hearing at which the employer failed to appear, and on August 12, 2016 issued Hearing Decision 16-UI-65541, affirming the Department's decision. On August 29, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted a written argument that contained information that was not part of the hearing record. Claimant failed to show that factors or circumstances beyond her reasonable control prevented her from offering that new information during the hearing. Under OAR 471-041-0090 (October 29, 2006), EAB considered only information received into evidence at the hearing when reaching this decision.

**FINDINGS OF FACT:** (1) Terrebonne & Madras Veterinary Clinics employed claimant as a certified veterinary technician from February 26, 2010 until June 21, 2016.

(2) On Friday, June 17, 2016, claimant learned that the clinic had hired a new person. On Monday, June 20, 2016, claimant began training the new hire. On that day, claimant noticed that other employees were not interacting with her as they usually did or asking her to perform the duties that they usually did. These employees knew that the veterinarian thought claimant was taking drugs intended for the animals and intended to limit her access to those drugs. The veterinarian had not spoken with claimant about his belief and had conducted no investigation to determine if it was well-founded. In fact, claimant had not taken the drugs, and the veterinarian's accusation was false. At the end of her shift, claimant asked the receptionist if she knew the reason for the difference how the other employees were treating her. The receptionist told claimant only that "changes were going to go into effect." Audio at ~13:40.

(3) On Tuesday, June 21, 2016, after claimant reported for work, the veterinarian told her that her job duties had been given to the new hire, she was not allowed to come into contact with the drugs for the animals, and she would be working as an assistant and kennel person. The veterinarian explained to

claimant that he was limiting her duties and her access to drugs for the animals because he thought she was taking those drugs. When claimant asked if he thought she was a “drug addict,” the veterinarian said, “No, you have a problem.” Audio at ~14:29. Claimant told the veterinarian she was quitting work, and left the workplace and did not return.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left 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.

In Hearing Decision 16-UI-65541, the ALJ concluded claimant voluntarily left work without good cause. The ALJ reasoned that claimant’s demotion to kennel assistant was not a grave reason for her to leave work since she did not show that it would be accompanied by a wage reduction and she did not know when the demotion was going to take effect. Hearing Decision 16-UI-65541 at 2. The ALJ further asserted, without supporting evidence, that the veterinarian’s accusation that claimant had taken drugs from the clinic also was not a grave reason to leave work. Hearing Decision 16-UI-65541 at 2. We disagree.

In Hearing Decision 16-UI-65541, the ALJ glossed over the obviously stigmatizing impacts of the veterinarian’s false accusations of claimant’s drug theft and drug problems. Without taking steps to corroborate his beliefs or to discuss their accuracy with claimant, the veterinarian told claimant’s coworkers of that claimant was stealing drugs from the clinic. As claimant described the coworkers’ reactions to the veterinarian’s beliefs, a considerable level of hostility against her was created in the workplace. When claimant learned of and briefly discussed the veterinarian’s beliefs with him on June 21, 2016, it was reasonable for claimant to conclude based on his response that he was not going to promptly investigate their accuracy or take steps to lessen their stigmatizing effects on her. A reasonable and prudent employee whose employer had falsely accused her of stealing drugs without speaking with her or further investigating, who had demoted her based only on his suspicions and who had told her coworkers that she had stolen drugs and engendered hostility against her in the workplace, would have concluded she no reasonable alternative but to quit work.

Claimant demonstrated good cause for leaving work. She is not disqualified from receiving unemployment insurance benefits based on her work separation from the employer.

**DECISION:** Hearing Decision 16-UI-65541 is set aside, as outlined above.<sup>1</sup>

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<sup>1</sup> 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.

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

**DATE of Service: September 27, 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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