

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-1225**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On August 23, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 110927). Claimant filed a timely request for hearing. On October 5, 2016, ALJ Seideman conducted a hearing, and on October 7, 2016, issued Hearing Decision 16-UI-68780, affirming the Department's decision. On October 27, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was based on the record.

**FINDINGS OF FACT:** (1) Prestige Care Venture, the employer, employed claimant as a payroll and benefits coordinator at one of its care facilities from April 18, 2016 to June 23, 2016.

(2) Claimant applied for the job with the employer because she believed her skills and work experience qualified her for the position, which involved "skilled tasks" such as payroll duties, benefit administration, accounts payable, new hire paperwork and orientation, and resident bookkeeping. Transcript at 6-7; Exhibit 1. Although she understood that the job also involved performing some reception duties, claimant did not believe such duties would be extensive. After interviewing for the job, she was offered and accepted the position.

(3) After several weeks, claimant concluded the job was more receptionist than payroll and benefits coordinator, and had difficulty completing the skilled tasks due to lack of time and what she considered inadequate office technology. Claimant spoke to the facility administrator and office manager about hiring a receptionist so she could focus on the skilled tasks. Although her requests were declined, a trainer from the corporate support office was brought in to provide additional training to assist claimant in becoming time efficient. In addition, the office manager agreed to perform May payroll duties to ease claimant's transition. During the training sessions, claimant told the corporate trainer she was dissatisfied with the job.

(4) Shortly thereafter her training sessions, the facility administrator met with claimant, listened to and considered her concerns and asked her if she thought she was being “underutilized.” Transcript at 9. When claimant responded “yes”, he told her that, if she was not committed to staying on the job, “we don’t want you here.” Transcript at 10. A few days later, on June 9, 2016, the administrator met with claimant again and asked, “What’s your decision?” *Id.* Claimant responded, “I’m going.” *Id.*

(5) On June 23, 2016, claimant resigned because she was dissatisfied with her working conditions, consisting of extensive reception duties she considered below her skill level, an inefficient office setup, inadequate computer technology and what she considered to be an unfriendly relationship with the facility administrator. Transcript at 11-13, 18.

**CONCLUSIONS AND REASONS:** We agree with the Department and ALJ. Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless she (or he) 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). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P2d 722 (2010). A claimant who quits work must 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 failed to show that a reasonable and prudent payroll and benefits coordinator of normal sensitivity, exercising ordinary common sense in the face of unanticipated concerns over her working conditions, would have concluded after less than two months on the job that her situation was so grave she had no reasonable alternative but to quit work. Although claimant’s job duties may have been more extensive and mundane than she anticipated, that circumstance is not uncommon in employment situations and does not cause the average employee faced with that circumstance to quit work. And, the employer did not ignore claimant’s concerns but took steps to aid her adjustment to the job by providing efficiency training and at least temporary assistance in completing her job duties. Moreover, the employer had only requested that she commit to continuing on the job as it was, for an unspecified period of time, before offering her additional training. Transcript at 21. At a minimum, a reasonable and prudent payroll and benefits coordinator who was interested in remaining employed would have given the employer the commitment to staying while she sought and accepted opportunities for additional efficiency training. On this record, claimant failed to show that no reasonable and prudent person in her circumstances would have taken those reasonable steps and continued to work for the employer for an additional period of time.

Claimant did not have good cause to quit work when she did and is disqualified from receiving unemployment insurance benefits until she has earned four times her weekly benefit amount from work in subject employment.

**DECISION:** Hearing Decision 16-UI-68780 is affirmed.

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

**DATE of Service: November 22, 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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