

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0317**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 30, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 163854). Claimant filed a timely request for hearing. On February 10, 2017, ALJ Monroe conducted a hearing, at which the employer failed to appear, and on February 21, 2017, issued Hearing Decision 17-UI-77407, affirming the Department's decision. On March 13, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) The East Oregonian Publishing Company Inc. employed claimant as an advertising sales representative from July 2016 through November 4, 2016.

(2) Claimant was assigned to work with a coworker who was also the wife of an employer editor. During her employment, the coworker made statements and engaged in interactions that claimant considered "hostile" towards her. Transcript at 5. Claimant reported her concerns to the employer, which responded by scheduling a meeting on November 4, 2016 between claimant's advertising manager, the coworker and claimant.

(3) At the November 4 meeting, the coworker presented information regarding an interaction she had with claimant the previous week that claimant considered inaccurate and a misrepresentation of claimant's conduct. The coworker also presented information regarding a discussion she had with claimant's direct supervisor, not in attendance at the meeting, about the interaction in question, that upset claimant. Claimant believed the coworker was "baiting" claimant into reacting to her reports unprofessionally at the meeting. Transcript at 16. When claimant attempted to explain the circumstances regarding the interaction under discussion to the manager in attendance, the manager responded by indicating that she did not understand claimant's explanation, which further upset

claimant. Claimant eventually became so upset that she quit while still in the meeting rather than addressing the issue later with the employer's human resources department or her direct supervisor.

**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 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 the employer for an additional period of time.

As can best be discerned from the record, claimant decided to leave work because she was upset that her perceptions of her coworker's hostility and offending behavior were not being understood at the meeting and would therefore not be remedied thereafter by the advertising manager or anyone else. Although claimant was presented with frustrating circumstances at the meeting, she was not left without alternatives to quitting when she did. She could have continued to attempt to explain her position at the meeting in a manner that might be more understandable to the manager, or she could have continued to work and later attempted to resolve the issue with her direct supervisor or someone within the employer's human resources department. On this record, claimant did not demonstrate that those alternatives would have been futile and therefore unreasonable, and that no reasonable and prudent person in her circumstances would have pursued them without abruptly quitting out of frustration.

Claimant failed to meet her burden to demonstrate that no reasonable and prudent person in her circumstances would have continued to work for the employer for an additional period of time. Accordingly, she is disqualified from receiving unemployment insurance benefits until she has earned at least four times her weekly benefit amount from work in subject employment.

**DECISION:** Hearing Decision 17-UI-77407 is affirmed.

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

**DATE of Service:** April 4, 2017

**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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