

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0524**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On March 28, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 131516). Claimant filed a timely request for hearing. On April 26, 2017, ALJ W. Lewis conducted a hearing and issued Hearing Decision 17-UI-81868, affirming the Department's decision. On May 1, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) HR Answers, Inc. employed claimant as a temporary worker, assigned to work at a client's business, from February 20, 2017 until claimant quit the job on February 23, 2017.

(2) On claimant's first day of work the client had not assigned her a computer or given her a code for the copy machine. Claimant felt as though she did not have the information and equipment she needed. The client assigned trainers to claimant to teach her how to do her duties. Claimant thought the trainers were pleasant and professional, but found the work "so fast, very fast paced" and, despite having a lot of work experience, claimant felt like a "beginner." Audio recording at ~ 18:00. Claimant's position involved learning new duties she had not performed before. She felt overwhelmed, had trouble retaining some of the information she was taught, and, although she was already feeling "inadequate" with the scope of her work, was assigned even more duties. Audio recording at ~ 22:45.

(3) By February 23, 2017, claimant "felt really sure that I was in over my head." Audio recording at ~ 20:55. Claimant had communicated some of her concerns with her trainers but had not told her supervisor at the client's business or her contact with the employer's business that she was concerned about her ability to perform her assigned tasks. Claimant felt that because she was a temp she needed to be able to step into her job at the client's business and immediately begin working without too much of a learning curve; although claimant felt she would be able to learn her new job duties over time she was concerned that it was taking her too long. Audio recording at ~ 30:00. She was concerned about disappointing the client, the employer and herself by being unable to quickly and proficiently perform her duties at the client's business.

(4) On the evening of February 23, 2017, claimant spoke with her employer contact about how she felt, and during the conversation, decided to quit her temporary position at the client's business.

**CONCLUSIONS AND REASONS:** We agree with the ALJ that 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.

In order for claimant to establish good cause for quitting work, she must show that she quit work under circumstances that were "grave." "Grave" is defined, in pertinent part, as "very serious," "meriting serious consideration" or "likely to produce great harm or danger."<sup>1</sup> Claimant felt anxious, felt like a "beginner," and felt uncertain whether she could become proficient in her new duties while undergoing training during the first few days of a new job. Like most individuals beginning a new job, she did not want to let herself down, or disappoint her employer or the employer's client; her situation was not, however, one that was "very serious" or "likely to produce great harm or danger." The situation at claimant's job was not grave, and claimant therefore quit her job without good cause. She is disqualified from receiving unemployment insurance benefits because of her work separation.

**DECISION:** Hearing Decision 17-UI-81868 is affirmed.

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

**DATE of Service:** May 19, 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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<sup>1</sup> <https://www.merriam-webster.com/dictionary/grave>