

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0736**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On May 17, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 171457). Claimant filed a timely request for hearing. On June 14, 2017, ALJ M. Davis conducted a hearing, and on June 15, 2017, and issued Hearing Decision 17-UI-85778, affirming the Department's decision. On June 19, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Indian Health Service employed claimant, last as a medical records technician supervisor, from April 1, 1996 to January 6, 2017.

(2) Claimant believed that her supervisor since 2015 was becoming increasingly hostile toward her regarding her work performance and wanted to replace claimant. Claimant was told by the supervisor, among other things, that claimant was "not educated enough", "forgetful" and "needed to lay down the law as a supervisor." Audio Record, 2017-UI-67230, ~ 27:00 to 29:00. When claimant tried to explain the difficulty that she and her staff were having managing the front office reception area due to short-staffing, her comments were ignored, all of which caused claimant increasing stress. Claimant contacted the employer's human resources office, which told claimant to document any negative interactions she was having with the supervisor.

(3) On November 18, 2016, the employer received a report that claimant had been rude and unprofessional with a patient. On November 28, 2016, claimant's supervisor addressed the issue with claimant, who denied being rude or unprofessional and believed she had complied with the employer's expectations regarding patient interactions. Nonetheless, the supervisor requested that she sign a document admitting certain facts regarding the incident, which claimant refused to do because she did not agree with it, and told claimant she would be suspended for five days for her conduct during the interaction.

(4) On December 19, 2016, the employer imposed the five day suspension in question. During the suspension period, claimant did not contact the employer's human resources office to specifically contest the suspension or the basis on which it was imposed. Rather, on December 22, 2016, claimant sent the employer's human resources office a letter of resignation, effective January 6, 2017. Claimant stated that she was resigning due to a "dysfunctional" working environment and to "maintain [her] health, sanity and overall happiness" after the employer "reprimanded [her] for fabricated claims regarding [her] performance and behavior" that were "unfairly investigated." Exhibit 1.

**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) (August 3, 2011). 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 would have continued to work for her employer for an additional period of time.

Claimant quit work during her five-day suspension due to what she believed was a "dysfunctional" working environment and to "maintain [her] health, sanity and overall happiness." However, claimant did not assert or show that, prior to doing so, she contacted the employer's human resources office about contesting her suspension over what she believed were "fabricated claims regarding [her] performance and behavior" that were "unfairly investigated" by her local office. Although she also quit in part to "maintain her health and sanity", and submitted a letter from her physician dated five months after she resigned that "it is in her best medical interest to stop working there", she did not assert or show that she quit based on her doctor's recommendation in December of 2016, at the time she quit work. Exhibit 1. Although claimant was obviously frustrated by her work environment and suspension, the office atmosphere she described, viewed objectively, was not so grave a circumstance that she had no reasonable alternative but to quit on December 22. Although claimant concluded her circumstances were onerous enough for her resign when she did, she failed to show that no reasonable and prudent records technician supervisor in her circumstances would have returned to work after her suspension and continued to work for the employer for an additional period of time, at least while she pursued some recourse from the employer's human resources office.

Claimant voluntarily left work without good cause and 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-85778 is affirmed.

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

**DATE of Service: July 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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