

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0895**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On May 26, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 74905). Claimant filed a timely request for hearing. On July 10, 2017, ALJ Messecar conducted a hearing, and on July 12, 2017, issued Hearing Decision 17-UI-87720, affirming the administrative decision. On July 27, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Ellen Michaelson, MD, employed claimant as office manager from January 2016 until May 4, 2017.

(2) On a number of occasions prior to March 31, 2017, Dr. Michaelson yelled at claimant in front of patients, providers, and the individuals with whom the doctor shared an office.

(3) On March 31, 2017, claimant was scheduled to meet with Dr. Michaelson. On or about the time the meeting was supposed to start, claimant received a telephone call from two insurance providers regarding a patient bill. The call lasted approximately one and one-half hours. While claimant was on the phone with the providers, the doctor came out of her office three times and angrily yelled at claimant about the call, asking claimant why she had called the providers and how long the call was expected to last, and telling claimant she was supposed to be in a meeting. The providers with whom claimant was speaking overheard the doctor, and commented on the doctor's anger.

(4) Claimant was embarrassed and humiliated by the doctor's angry yelling at her while she was on the telephone. Claimant felt the doctor's behavior was comparable to that of her abusive ex-husband. On March 31, 2017, claimant told the doctor she could no longer work for her, and that she was quitting, effective May 4, 2017.

**CONCLUSION AND REASONS:** We agree with the ALJ and conclude 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.

Claimant quit her work for the employer, a doctor, because she was embarrassed and humiliated by the doctor’s actions on March 31, 2017, when the employer angrily yelled at her about a telephone call during which claimant was attempting to resolve problems concerning payment for a patient’s bill with two insurance providers. Claimant believed that the doctor’s behavior was comparable to that of her abusive ex-husband.

Under certain circumstances, personal abuse at work can constitute good cause for voluntarily leaving work. *See McPherson v. Employment Division*, 285 Or 541,547, 591 P2d 1381 (1979) claimants not required to “sacrifice all other than economic objectives and . . . endure racial, ethnic, or sexual slurs or personal abuse, for fear that abandoning an oppressive situation will disqualify the worker from unemployment benefits”). On this record, however, claimant failed to show that the doctor’s treatment of her on March 31 rose to a level of abuse. The doctor did not personally criticize claimant, or threaten her with any inappropriate discipline for claimant’s failure to end the phone call. Nor did claimant demonstrate that the doctor’s March 31 conduct (or prior angry outbursts) adversely affected her emotionally or physically, and also did not demonstrate that the doctor’s apparent bad temper had affected her ability to perform her job. Although the doctor’s display of anger on March 31 was unpleasant for claimant, she failed to establish that it was abusive, or that it negatively affected her to such an extent that it gave her good cause to quit her job.

Claimant voluntarily left work without good cause. She is disqualified from the receipt of unemployment benefits on the basis of this work separation.

**DECISION:** Hearing Decision 17-UI-87720 is affirmed.

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

**DATE of Service:** August 14, 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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