

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1226**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On September 19, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 82956). Claimant filed a timely request for hearing. On October 11, 2017, ALJ Scott conducted a hearing, and on October 16, 2017 issued Hearing Decision 17-UI-94631, affirming the Department's decision. On October 23, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted written argument to EAB with her application for review. Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

**FINDINGS OF FACT:** (1) Amedisys Holding LLC employed claimant from May 22, 2017 until June 16, 2017 as a home health care registered nurse (RN).

(2) At hire, the employer told claimant the training period lasted nine weeks or more, during which time she could expect to travel for training to learn how to manage cases and use the employer's software. The employer was willing to extend the training period if a nurse needed additional training. After she began work, claimant had difficulty performing case management and learning the software for Medicare billing and client records in addition to performing direct patient care. Claimant preferred to perform more direct patient care and less recordkeeping and case management.

(3) Claimant was concerned that she would unknowingly make a billing error that could be construed as fraudulent or affect her nursing license because she was inexperienced using the employer's software. In May 2017, claimant told the director of her branch about her concerns with learning the software

from online learning tools. Claimant told the director she was not passing all the online tests regarding the software, and he told her that he initially did not pass all the tests either, and that she should keep redoing the tests until she was able to pass them. Each week for the next two weeks, claimant told her director she was having problems learning the software.

(4) On June 14, 2017, claimant asked the director for software training from the other nurse who worked at claimant's work site. The director told claimant that the nurse at claimant's site did not have time to train claimant due to her workload, but that claimant could receive training by shadowing the employer's nurse working in the Roseburg area for one day. Claimant was concerned because Roseburg is a two-hour drive from claimant's home, and because she felt she would need more than one day of training. The director added more training days for claimant in Roseburg when he learned claimant would need more training than he initially expected, and arranged for a hotel for claimant in Roseburg to be paid for by the employer.

(5) On June 19, 2017, the employer expected claimant to go to Roseburg for training. Claimant sent the director an email that morning stating that she quit and did not want to communicate further with the employer.

(6) Claimant quit work because preferred doing direct patient care and not case management, and because she was dissatisfied with the training the employer was going to provide regarding case management and using the employer's software.

**CONCLUSIONS 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.

To the extent claimant quit work because she was dissatisfied with having to perform case management and billing duties that required her to learn a new software program and other skills, claimant did not show good cause for leaving work. Although claimant preferred performing more direct patient care and less recordkeeping, she did not show that her case management and recordkeeping duties were unsuitable for her, endangered her health or wellbeing, or otherwise presented a grave situation for her. Claimant quit less than halfway through her nine-week training period, and even had nine weeks of training been insufficient for claimant to learn the necessary skills for her position, the employer was willing to extend the training period. There is no evidence suggesting that the employer was dissatisfied with claimant's work performance or that claimant faced discipline or other adverse employment action due to how she performed her work at the time she quit. Nor does the record show that claimant was

given different duties than other staff RNs who worked for the employer. Claimant's preference to work primarily performing direct patient care did not amount to a grave situation.

Claimant also alleged that the employer did not provide her training when she asked for training regarding the employer's software. Audio Record at 7:35-7:40, 10:36-10:49. The record does not support that allegation. The employer's director told claimant at hire that she would be trained for at least nine weeks, and claimant began her online training at hire. When claimant told the employer's director that her online training was insufficient, the director arranged additional in-person training for claimant. Claimant quit before that training began. Thus, the record fails to show that claimant's alleged lack of training posed a grave situation for her, and claimant had the reasonable alternative of completing the in-person training and the additional nine or more weeks of training to see if she could learn the skills necessary for her position. Moreover, to the extent claimant was dissatisfied that the training was in Roseburg, the record shows the employer forewarned claimant she might have to travel for training purposes, and the record does not show claimant's expenses would have exceeded her earnings while she worked in Roseburg.

Claimant did not show good cause for leaving work when she did. She therefore is disqualified from receiving unemployment insurance benefits because of her work separation.

**DECISION:** Hearing Decision 17-UI-94631 is affirmed.

J. S. Cromwell and D. P. Hettle.

**DATE of Service:** November 21, 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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