

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0262**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On January 19, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 144522). Claimant filed a timely request for hearing. On February 12, 2018, ALJ Seideman conducted a hearing, and on February 20, 2018, issued Hearing Decision 18-UI-103582, affirming the Department's decision. On March 12, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

With his application for review, claimant submitted a written argument. However, he failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Claimant's 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 him from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). For these reasons, EAB did not consider claimant's argument or any information not received into evidence at the hearing when reaching this decision.

**FINDINGS OF FACT:** (1) Safeway Stores, Inc. employed claimant, last as a meat department employee, from June 11, 2016 to September 26, 2016.

(2) Claimant began his employment as a cashier and during the first three months, averaged approximately 24 hours per week. Claimant learned from a meat department employee that if he worked in that department he would probably work around 40 hours per week and make a higher wage. Around September 16, 2016, claimant requested a transfer to that department for that reason and the employer granted his request.

(3) Claimant began work in the meat department around September 19, 2016. When claimant asked the one employee working in the department about receiving some necessary training, he told claimant that the department supervisor was on a hunting trip and claimant would have to wait a few days until the supervisor returned to be trained. He told claimant that he could not train him because he was the only

meat cutter working and that claimant would “have to figure it out” until then and perform any tasks that he could, such as moving pallets around and doing some labeling, which claimant attempted to do. Audio Record ~ 12:00 to 12:30.

(4) About two days later, the meat department supervisor returned to work from his hunting trip and claimant spoke to him about receiving some training, maybe pairing him with another employee. The supervisor was not able to do that, but gave him some basic direction and essentially told him that he would need to learn by doing which would take approximately six months to be fully trained. After working about two more days, attempting to perform various tasks on his own, making numerous mistakes and getting frustrated and angry, claimant approached the store manager and complained about his lack of training. He asked to be returned to a cashier position, but the manager only responded, “I know what it’s like to be thrown into the fire [but] sometimes that’s just the way it is.” Audio Record ~ 17:30 to 18:15. When claimant responded that he still did not know his job responsibilities, the manager replied that they would “cross that bridge” at a later time. *Id.*

(5) Still frustrated, claimant went to the human resources manager at the store and requested that he be returned to the cashier position because he could not perform his meat department job without more training than he had received. He added that not knowing what he was doing made for “a long day.” Audio Record ~ 18:45 to 19:00. She responded that there were no available cashier positions to transfer to and recommended that claimant remain in the meat department. Rather than do so, claimant immediately resigned.

**CONCLUSIONS AND REASONS:** We agree with the ALJ. Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless he (or she) proves, by a preponderance of the evidence, that he had good cause for leaving work when he 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). 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 the employer for an additional period of time.

Claimant quit his job because he was frustrated and angry over what he considered to be the employer’s failure to provide him with adequate training to perform the meat department position to which he had recently been transferred. Claimant concluded that not fully understanding his job responsibilities and how to perform them made for “a long day” and that without sufficient training he was “a liability back there.” Audio Record ~ 20:20 to 20:30. However, the employer had indicated that it understood that claimant was inexperienced and appeared willing to allow claimant to work through any deficiencies in his work performance while he became familiar with his job responsibilities. Moreover, although claimant’s frustrations were understandable, he admitted at hearing that “maybe I could have waited [awhile before quitting] but I would have been just standing around” during much of the shift, which frustrated him. Audio Record ~ 22:30 to 24:00. Viewed objectively, claimant failed to establish that those and any related concerns he may have had constituted reasons of such gravity that no reasonable and prudent grocery meat department employee of normal sensitivity would conclude, after only one

week working in that position, that he had no reasonable alternative but to quit his job and become unemployed.

Claimant voluntarily left work without good cause and is disqualified from receiving unemployment insurance benefits until he has earned at least four times his weekly benefit amount from work in subject employment.

**DECISION:** Hearing Decision 18-UI-103582 is affirmed.

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

**DATE of Service:** April 6, 2018

**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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