

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0330

Affirmed
Disqualification

PROCEDURAL HISTORY: On February 15, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 172839). Claimant filed a timely request for hearing. On March 20, 2018, ALJ Frances conducted a hearing and issued Order No. 18-UI-105590, affirming the Department's decision. On April 5, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument when reaching this decision. Claimant asserted that he did not feel the ALJ understood his reasoning for leaving his job with the employer. That might well be the case. However, it appears that the reason the ALJ, and EAB, do not understand the gravity of the situation that prompted claimant to quit work was that claimant did not adequately explain it at the hearing. Specifically, although claimant made vague references to "troubles" at work, "chaos," the importance of his sobriety, that he was "miserable 24/7," and quitting due to the "mendacity" of others, he did not explain in detail what the troubles were, why he was miserable, who was mendacious, or why his working conditions posed a threat to his sobriety. Nor does the record show that the ALJ failed to ask him questions about those things, as the hearing recording lasted 56 minutes, during which the ALJ repeatedly asked claimant to provide specific details about the circumstances that caused him to leave his job and explained why she needed those details.

At the end of the hearing, claimant summarized, "Okay, I just want to say that I'm sorry about the rambling but when I get talking about that, I just – I just don't understand it myself . . . but it's there." Audio recording at 55:45. The record is clear that claimant left work for reasons that were important to him. In order for the ALJ or EAB to reverse the Department's decision to deny claimant unemployment insurance benefits, however, claimant must have explained those reasons at his hearing in sufficient detail to establish that his reasons for quitting were so grave that no reasonable and prudent person would continue working under the circumstances that existed at the time he quit work, such as explaining who was involved, what they did, when and where the events happened, what effect those people and events had on him, and why, specifically, those people and events caused him to feel he had to quit work. Claimant's admitted inability to explain the gravity of his reasons for quitting work at the

hearing mean that we cannot reverse the decision to deny him benefits. Therefore, although we understand that claimant quit work for reasons that were important to him, on this record we must agree with the Department and the ALJ that claimant quit work without “good cause” as that term is defined in Employment Department law.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the order under review is **adopted**.

DECISION: Order No. 18-UI-105590 is affirmed.

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

DATE of Service: April 30, 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. 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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