

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-1042**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On September 20, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 155529). Claimant filed a timely request for hearing. On October 15, 2018, ALJ Snyder conducted a hearing, and on October 23, 2018 issued Order No. 18-UI-118598, affirming the Department's decision. On November 2, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Exceed Enterprises Inc. employed claimant as a supervisor of work teams from August 2015 until July 6, 2018. The employer provided work opportunities for clients with disabilities. The clients on claimant's teams had cognitive disabilities. Claimant supervised 25 clients.

(2) Throughout his employment, claimant felt stress from supervising teams comprised of clients with cognitive disabilities because of those clients' varied needs. Among other things, claimant was required to deal and counsel clients with respect to their behavior and emotions, to motivate clients and monitor their work performance, to address inter-client conflicts and to attend to other client needs as they arose. Claimant was also required to take steps to ensure that the teams he supervised met the production standards of the organization where they worked.

(3) Before approximately April 2018, claimant applied for two or three positions with the employer that were different from his supervisory position. Claimant wanted a different position due to the stress and "grind" that he experienced as a supervisor. Audio at ~9:42. The employer did not hire claimant for any of those positions due to his lack of qualifications.

(4) In April 2018, claimant's physician diagnosed him with high blood pressure and prescribed medicine to control it. At that time, claimant explained to the physician that he was experiencing work-related stressors. The physician recommended to claimant that in addition to taking the prescribed medicine he exercise more and make an effort to make "interim time" in which he could calm himself. Audio at ~13:10.

(5) Around May 2018, claimant applied for another position with the employer that he wanted to transfer into to avoid the stress he continued to experience supervising work teams. Sometime before approximately June 8, 2018, the employer notified claimant that he was not hired for that job because he was not qualified.

(6) On approximately June 8, 2018, claimant notified the employer that he was resigning from work and his last day of work would be July 6, 2018. Claimant decided to quit work because he learned the employer had not hired him for the job he had recently applied for and he continued to feel stress when supervising work teams.

(7) Before July 6, 2018, claimant did not contact the employer's human resources department, his supervisor or anyone in the employer's management about transferring to a different position to reduce the stress he experienced. He only applied for new positions without informing the employer of his stress. Claimant did not seek to be transferred to a different location where he would supervise fewer clients and be subjected to lesser stress because he thought there were no such positions available with the employer. Claimant did not ask the employer for a leave of absence.

(8) On July 6, 2018, claimant voluntarily left work.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless he 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) (January 11, 2018). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had high blood pressure, which we assume was a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h). A claimant with that impairment who quits work must show that no reasonable and prudent person with the characteristics and qualities of an individual with such impairment would have continued to work for his employer for an additional period of time.

At the outset, claimant testified that he left work due to stress and because he was unsuccessful in securing new positions with the employer that he thought would be less stressful. Claimant did not suggest that health concerns or the fact that he experienced high blood pressure directly or indirectly factored into his decision to leave work. Claimant also did not suggest that the impact that the workplace stress may have had on his blood pressure was a consideration in his decision to quit work. While claimant had high blood pressure, it does not appear to have contributed in any way to his decision to leave work.

At hearing, claimant generally referred to being subjected to "stress" and a "grind" as the reason that he left work. Audio at ~9:42. When asked by the ALJ to specify with particularity how those circumstances negatively influenced him, he stated only that that he was "stressed out all day long," that the stress "affects you at home," and "affects your sleep habits." Audio at ~11:55. Other than vaguely stating that he was subjected to "stress," claimant did not describe with more specificity the concrete harms or negative impacts that he sustained from that "stress." Absent at least some detail supporting the

seriousness and magnitude of the impacts that claimant gave as a reason for leaving work, the record is insufficient to show that grave circumstances to which he had no alternative other than to quit caused claimant to leave work when he did. On this record, claimant did not meet his burden to show good cause for leaving work when he did.

Claimant did not show that he left work for good cause. Claimant is disqualified from receiving unemployment insurance benefits.

**DECISION:** Order No. 18-UI-118598 is affirmed.

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

**DATE of Service:** December 5, 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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# Understanding Your Employment Appeals Board Decision

## English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

## Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyong ito.

## Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

## Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Asuntos Laborales. Si no está de acuerdo con esta decisión, puede presentar una Petición de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

## Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

**Khmer**

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**Laotian**

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**Arabic**

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**Farsi**

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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