

EMPLOYMENT APPEALS BOARD DECISION
2020-EAB-0457

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 14, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause, and was disqualified from benefits effective February 23, 2020 (decision # 80645). Claimant filed a timely request for hearing. On May 28, 2020, ALJ S. Lee conducted a hearing, and on June 1, 2020 issued Order No. 20-UI-150486, modifying decision # 80645 by concluding that claimant voluntarily left work without good cause and was disqualified from benefits effective March 8, 2020.¹ On June 10, 2020, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Jeld Wen, Inc. employed claimant as a customer care associate from February 4, 2020 to March 9, 2020.

(2) Claimant's duties required her to have detailed technical knowledge about the employer's products. After some preliminary training, claimant was left to learn on-the-job with employer-provided resources, and to request help from her trainer and other employees when they had time.

(3) Claimant struggled to learn what she needed to know to perform her job well and sometimes cried at work. She asked the trainer and the trainer's supervisor for additional training but her requests were denied. Claimant was repeatedly told that she would "feel stupid for a year" because of the amount of information she had to learn, and that the job was "not for everybody." Audio recording at 15:00-15:15.

(4) On March 9, 2020, the area manager spoke with claimant and asked her how things were going. Claimant told the manager that she was "struggling" and required additional training. Audio recording at 16:35. The manager told claimant the employer did not have the manpower to provide her with more training. Claimant assumed that the employer was going to fire her and asked the manager to give her

¹ The "Order" caption in Order No. 20-UI-150486 states that the decision affirmed decision # 80645; however, because the Order changed the effective date of claimant's disqualification from benefits, the Order actually modified decision # 80645. See Order No. 20-UI-150486 at 3.

until the end of the week. The manager agreed. Claimant then talked to her supervisor about her need for additional training, and the supervisor reiterated that the job was not for everybody.

(5) After speaking with the managers, claimant returned to her desk. She needed help, but none was available, which caused claimant to cry again. Audio recording at 20:05. Claimant thought that she would never be able to understand the job without additional training or help, which she could not have. Audio recording at 20:35-20:45. On March 9, 2020, claimant quit her job for those reasons.

(6) At all relevant times, none of claimant's managers had told her that she was going to be fired, or would be fired if she did not learn her tasks by a particular date.

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

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless they prove, by a preponderance of the evidence, that they had good cause for leaving work when they did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). "Good cause . . . is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work." OAR 471-030-0038(4) (December 23, 2018). "[T]he reason must be of such gravity that the individual has 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 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for their employer for an additional period of time.

Claimant did not establish that her situation was grave at the time she left work. Claimant assumed that the area manager asked her how things were going on March 9th because he was going to fire her for not adequately performing her duties. However, that was merely an assumption. No one told claimant that she was going to be disciplined or discharged because of her work performance on and around March 9th. Beyond claimant's assumption, the record lacks any indication that the employer planned to discharge claimant, or that any such discharge was imminent or inevitable when claimant quit her job.

Despite claimant's need for ongoing training, and the employer's inability to provide her with a trainer, at all relevant times it was commonly known throughout claimant's workplace that new employees "feel stupid for a year" because of the volume of information employees needed to know in order to perform claimant's job. Given that statement was made by claimant's trainer and management, the people supervising claimant and her training necessarily understood that claimant's job took a long time to learn. Under the circumstances, it is improbable that the employer would seek to discharge claimant after just over a month of employment for not already knowing duties that usually took a year to learn.

It was undoubtedly unpleasant for claimant to struggle to learn her job and cry at work, and claimant likely would have had an easier time learning her new job if the employer had provided her with the additional training she requested. However, claimant had only worked for the employer for just over a month at the time she quit. It is common for new employees to feel overwhelmed by the amount of information they need to learn when they start a new job, and common for them to feel as though they don't "get it." Feeling overwhelmed, or like one does not "get it," is not a situation of such gravity that most employees feel they need to quit work.

In reaching this decision, we considered that the employer told claimant that the job was not for everyone. Sometimes a statement like that can indicate that the employer is indifferent to an employee's concerns, or that the employer is not going to do anything to address the employee's concerns. In this case, however, it did not. Despite the employer's position with respect to providing claimant with more training, claimant continued to have employer-provided resources available to her, and the option to ask her trainer and coworkers questions when they had time. The fact that the trainer and coworkers were not always available to answer all of claimant's questions or help her when she needed it did not make claimant's situation one of gravity, as it appears on this record that they were available some of the time, and the employer had provided other job aids. The fact that claimant's job was difficult, took a year to learn, and was not for everyone did not make claimant's difficulties learning the job a grave situation.

Claimant did not establish that she quit work due to a situation of such gravity that no reasonable and prudent person would have continued to work for the employer for an additional period of time. Claimant therefore did not show good cause for quitting her job, and is disqualified from receiving regular unemployment insurance benefits because of this work separation.

DECISION: Order No. 20-UI-150486 is affirmed.

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

DATE of Service: July 13, 2020

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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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 Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນຫ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

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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