

EMPLOYMENT APPEALS BOARD DECISION
2021-EAB-0184

Affirmed
Disqualification

PROCEDURAL HISTORY: On July 29, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit without good cause and was disqualified from receiving unemployment insurance benefits effective February 23, 2020 (decision # 62050). Claimant filed a timely request for hearing. On November 5, 2020, ALJ Snyder conducted a hearing, and on November 13, 2020 issued Order No. 20-UI-156414, affirming the Department's decision. On December 3, 2020, Order No. 20-UI-156414 became final without claimant having filed a timely application for review with the Employment Appeals Board (EAB). On December 16, 2020, claimant filed a late application for review with EAB. On January 21, 2021, EAB issued EAB Decision 2020-EAB-0787, allowing claimant's late application for review and reversing and remanding Order No. 20-UI-156414 for further development of the record. On February 17, 2021, ALJ Snyder conducted a hearing, and on February 19, 2021 issued Order No. 21-UI-161330, affirming decision # 62050. On March 11, 2021, claimant filed an application for review of Order No. 21-UI-161330 with EAB.

WRITTEN ARGUMENT: Claimant did not declare that she provided a copy of her argument to the opposing party or parties as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record, and did not 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 (May 13, 2019). EAB considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) Unitus Community Credit Union employed claimant as a customer service representative from July 2016 until February 24, 2020.

(2) By the summer of 2019, claimant had decided that her managers had poor management skills and were not offering claimant anything "to help [her] feel like [she] was progressing." February 17, 2021 Audio Record at 19:22. Claimant felt that her managers were not proactive and that claimant "always had to ask for something to better her job performance." February 17, 2021

Audio Record at 21:16. In July 2019, claimant wrote a letter to the employer complaining about her managers. The employer did not respond to claimant's letter.

(3) Claimant was interested in working in the employer's loan servicing department and thought it would be helpful to job-shadow in that department to learn how loans were processed. Claimant felt that she had to continuously express to her managers her interest in shadowing in that department. After claimant was "pretty persistent about it," claimant's managers agreed, and allowed claimant to shadow in the loan servicing department. February 17, 2021 Audio Record at 13:13.

(4) In December 2019, claimant's managers held a meeting with claimant and informed her that she had made several errors in the loan servicing department. The managers gave claimant a warning in connection with these errors. The meeting frustrated claimant because she believed that her managers did not provide any examples to explain what claimant's errors were.

(5) By January 2020, claimant had become dissatisfied with her job. Claimant was "battling a lot of things" and her "home life wasn't very good." February 17, 2021 Audio Record at 35:03. Claimant became depressed and began taking antidepressant medication.

(6) From February 1, 2020 through February 24, 2020, claimant took paid time off of work. Claimant exhausted her paid time off on February 24, 2020. On February 24, 2020, claimant called the employer's senior employment specialist and advised that she was quitting work effective that day. Claimant quit because she was "very unhappy with [her] employment and it was permeating [her] life." February 17, 2021 Audio Record at 13:38. Claimant also "felt like management pushed [her] out." February 17, 2021 Audio Record at 9:05.

CONCLUSIONS AND REASONS: Claimant voluntarily quit 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) (September 22, 2020). "[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 good cause to quit. The record does not support that claimant faced a grave situation when she quit work on February 24, 2020. Claimant quit because she was unhappy with her employment. At hearing, claimant explained that her unhappiness resulted from her managers' failures to allow her to shadow in the loan servicing department until after claimant asked persistently for that opportunity, and that her managers had given her a warning for making errors without providing examples of what those errors were. While these experiences may have led claimant to become disappointed in her managers and generally dissatisfied with her job, they are not sufficient to establish a situation of such gravity that claimant had no reasonable alternative but to leave work. The depression that claimant developed was concerning. However, claimant did not show that her depression, which

flowed in part from the above-mentioned work experiences, and which she was managing with medication, presented her with a situation of such gravity that she had no reasonable alternative but to quit. Viewed objectively, claimant did not meet her burden to show that, at the time she quit, no reasonable and prudent person would have continued to work for the employer for an additional period of time.

Claimant quit work without good cause and is disqualified from receiving benefits effective February 23, 2020.

DECISION: Order No. 21-UI-161330 is affirmed.

S. Alba and D. P. Hettle.

DATE of Service: April 15, 2021

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.

NOTE: This decision denies payment of your Unemployment Insurance (UI) benefits.

However, you may be eligible for Pandemic Unemployment Assistance (PUA) benefits for the period you are not eligible for other benefits as long as you are unable to work, unavailable for work, or unemployed due to the COVID-19 public health emergency. PUA is a new unemployment benefits program available through the Oregon Employment Department in response to the COVID-19 pandemic.

Visit <https://unemployment.oregon.gov> for more information, to apply for PUA, or to contact the Oregon Employment Department using the “Contact Us” form. You can also apply for PUA by calling 1-833-410-1004, but please be aware that the PUA staff cannot answer questions about this decision that denies payment of regular Unemployment Insurance (UI) benefits.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



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 desisyon.

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 ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

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 الإستئناف 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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