

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-0836**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 4, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # 133448). The employer filed a timely request for hearing. On July 5, 2022, ALJ Amesbury conducted a hearing, and on July 11, 2022 issued Order No. 22-UI-197900, reversing decision # 133448 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective January 17, 2021. On July 29, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant submitted written arguments on July 29, 2022 and August 22, 2022. EAB did not consider claimant's July 29, 2022 written argument when reaching this decision because she did not include a statement declaring 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). Claimant's August 22, 2022 written argument 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. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's August 22, 2022 written argument to the extent it was based on the record.

**FINDINGS OF FACT:** (1) TRG Customer Solutions, Inc. employed claimant as a customer service agent from November 30, 2020, until January 20, 2021.

(2) The employer provided telephone customer service on behalf of other companies. The employer hired claimant as part of a group assigned to work on a particular account. Shortly after claimant began working for the employer, she was exposed to COVID-19 and missed several days of work. As a result, claimant missed some training.

(3) In late December 2020, the training period for claimant's hire group neared completion. Claimant thought the employer's training for her group was less extensive compared to previous hire groups, and that she was trained inadequately in particular because of the training she had missed due to her exposure to COVID-19. Claimant's concerns about not being trained adequately for her job caused her emotional distress, which raised her blood pressure.

(4) In late December 2020, claimant had a dental appointment. The dentist withheld dental treatment from claimant because her blood pressure was too high. Claimant mentioned to her trainer that she had been denied dental treatment because of her elevated blood pressure due to stress from what she perceived as inadequate training. Claimant asked the trainer if she could take practice calls to make up for the training she had missed. The trainer informed claimant that the employer would not allow her to do so.

(5) After the trainer refused claimant's request to make practice calls, claimant went to her human resources (H.R.) manager and the employer's H.R. director. Claimant told them that she had been denied dental treatment because of her elevated blood pressure due to stress from what she perceived as inadequate training. Claimant asked the H.R. manager and H.R. director for the same training as previous hire groups. The H.R. manager and H.R. director were not responsive to claimant's request.

(6) In early January 2021, claimant's training period ended and the employer assigned claimant to take live calls. Claimant continued to feel unprepared for her job, and work-related stress continued to cause her to have elevated blood pressure. Claimant fell persistently ill and went to the doctor, who advised claimant that she was suffering from a "serious spike" in her blood pressure. Transcript at 9. Claimant informed her doctor that she was under pressure at work and had been denied dental treatment due to her high blood pressure. Claimant's doctor recommended claimant find different employment.

(7) After claimant received her doctor's recommendation, she again asked the employer for the training the previous hire groups had received. Claimant asked to come in on her own time and get more training off the clock. Claimant asked to be transferred to another account or a different position within the company. Claimant also asked for longer breaks in between calls. Claimant directed these requests to the H.R. manager, the H.R. director, and the employer's site director. Those individuals informed claimant that the employer could not accommodate her requests.

(8) In mid-January 2021 claimant met with her direct manager. Claimant again requested more training and longer breaks in between calls to address her work-related stress and elevated blood pressure. The direct manager initially indicated that the employer would accommodate claimant's requests. On January 20, 2021, claimant again met with her direct manager, who informed claimant that the employer could not accommodate claimant's requests. Claimant decided to follow her doctor's advice and stop working for the employer. Claimant told her direct manager she was resigning and stopped working for the employer that day.

**CONCLUSIONS AND REASONS:** Claimant quit work with 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.

The order under review concluded that claimant quit work without good cause because claimant did not pursue reasonable alternatives to leaving work as she had failed to request an accommodation from the employer. Order No. 22-UI-197900 at 4. The record does not support this conclusion.

Claimant quit work with good cause. The record shows that claimant faced a grave situation because work-related stress attributable to claimant’s perception that she was not adequately trained caused claimant to have elevated blood pressure. Claimant’s elevated blood pressure caused claimant’s dentist to withhold treatment from her and prompted claimant’s doctor to recommend that claimant find new employment. These facts are sufficient to show that claimant’s situation was grave.

Further, claimant made extensive efforts to pursue alternatives prior to leaving work. In late December 2020, claimant mentioned to her trainer that she had been denied dental treatment because of her elevated blood pressure and asked to take practice calls to make up for missed training, but the trainer denied the request. Thereafter, claimant informed her H.R. manager and H.R. director that she had been denied dental treatment because of her elevated blood pressure asked for the same training as previous hire groups, but the H.R. manager and H.R. director were not responsive. After claimant received her doctor’s recommendation to find different employment, she again asked the employer for the training the previous hire groups had received. She also asked to come in on her own time and get more training off the clock, to be transferred to another account or a different position within the company, and for longer breaks in between calls. The employer denied these requests. In January 2021, claimant asked her direct manager for more training and longer breaks in between calls to address her work-related stress and elevated blood pressure. On January 20, 2021, the direct manager denied these requests, and claimant resigned.

At hearing, the employer’s witness testified that he had no firsthand knowledge of the circumstances of claimant’s employment, but stated that he did not see a record of claimant requesting an accommodation in the employer’s computer system. Transcript at 40-41. This testimony formed the basis of the conclusion of the order under review that claimant failed to pursue reasonable alternatives prior to quitting. Order No. 22-UI-197900 at 4. However, claimant’s testimony was based on her firsthand knowledge, and therefore is afforded more weight. Accordingly, the record shows that claimant made significant efforts to seek an accommodation from the employer, to no avail. Therefore, claimant left work for a reason of such gravity that she had no reasonable alternative but to leave work when she did.

For the above reasons, claimant voluntarily quit work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

**DECISION:** Order No. 22-UI-197900 is set aside, as outlined above.

D. Hettle and A. Steger-Bentz;  
S. Serres, not participating.

**DATE of Service: November 1, 2022**

**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](https://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 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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
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