

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0738

Affirmed
Disqualification

PROCEDURAL HISTORY: On September 3, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective July 28, 2024 (decision # L0005879870).¹ Claimant filed a timely request for hearing. On October 15, 2024, ALJ Lucas conducted a hearing, and on October 18, 2024 issued Order No. 24-UI-270020, affirming decision # L0005879870. On October 21, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant’s argument in reaching this decision.

FINDINGS OF FACT: (1) Jefferson County employed claimant as a care coordinator from April 10, 2017 until August 2, 2024.

(2) Over the course of claimant’s employment, the tasks she was assigned varied due to changes in funding for positions. By 2024, claimant performed work within the employer’s family services program and Women, Infants, and Children (WIC) benefit program and “filled in other gaps within the [d]epartment.” Transcript at 17.

(3) Claimant disliked the range of tasks she was assigned and felt “really frustrated” by the workload. Transcript at 13. Claimant also felt that she “was constantly being watched” and required to account for her whereabouts during the workday, while other employees were not subject to such monitoring. Transcript at 13. The employer was monitoring claimant’s whereabouts because claimant “was under [a] corrective action plan for her attendance.” Transcript at 16. Claimant also felt that the supervisor of her

¹ Decision # L0005879870 stated that claimant was denied benefits from July 28, 2024 to August 2, 2025. However, decision # L0005879870 should have stated that claimant was disqualified from receiving benefits beginning Sunday, July 28, 2024 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

work for the WIC program “wouldn’t acknowledge [her] presence whenever [she] would walk in hallways, or even make eye contact with [her].” Transcript at 6.

(4) As a result of her dissatisfaction with the work environment, claimant “started having a lot of anxiety [and] was always stressed out.” Transcript at 7. Claimant did not seek medical treatment for these issues while working for the employer.

(5) Claimant told her direct supervisor and members of the employer’s human resources department about her dissatisfaction with the work environment on several occasions throughout her employment, though typically or exclusively in rebuttal to disciplinary proceedings against her. Since at least January 2024, the employer told claimant that they were working toward making changes in her work assignments and supervision to address her complaints.

(6) On July 8, 2024, the employer informed claimant that she would be transitioning to a different role that would not involve work for the WIC program, which the employer thought would be a better fit for claimant given her discord with the WIC supervisor and complaints over workload and task variety.

(7) On August 2, 2024, claimant quit working for the employer due to her continued dissatisfaction with the work environment. The transition to claimant’s new role had been ongoing at the time claimant quit work.

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 quit working for the employer due to her dissatisfaction with the work environment and her workload. Claimant cited discord with the WIC supervisor, being assigned an excessive variety of tasks, and the monitoring of her whereabouts as the main points of dissatisfaction. The record suggests that these issues had been ongoing since before 2024, and that the employer was aware of them. However, claimant has not shown that these circumstances constituted a grave situation.

While claimant suggested that the WIC supervisor was somewhat aloof in interacting with her, and the employer’s witness testified that the supervisor was “probably not a good fit” for claimant, the record contains no specific instances of discord or objectionable conduct toward claimant that could be considered grave. Transcript at 17. Additionally, while claimant found having a variety of work tasks to be stressful or anxiety inducing, the record does not suggest that claimant was incapable of learning or performing the assigned tasks or that the variety or volume of work would have inevitably led to unwarranted discipline. Moreover, in the month prior to claimant quitting work, the employer met with

claimant and began a process of adjusting claimant's work duties and supervision to address both of these complaints, further suggesting that these circumstances were not grave at the time claimant quit work.

While it is understandable that claimant found close monitoring of her whereabouts uncomfortable or unfair, claimant failed to rebut the employer's explanation that it was warranted as a response to claimant's violations of their attendance policy. The record also fails to show that the monitoring made it impossible for claimant to do her job or would have inevitably led to unwarranted discipline. Claimant has therefore not shown that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work under these circumstances. Further, even if claimant had faced a grave situation, claimant had the reasonable alternative of seeing whether the employer's ongoing transition of work duties and supervision would have resolved her complaints and alleviate her feelings of stress and anxiety. Therefore, claimant did not quit work for a reason of such gravity that she had no reasonable alternative to quitting.

For these reasons, claimant voluntarily quit work without good cause, and is therefore disqualified from receiving unemployment insurance benefits effective July 28, 2024.

DECISION: Order No. 24-UI-270020 is affirmed.

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

DATE of Service: November 13, 2024

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 stated above**. See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under "File a Petition for Judicial Review." You may also contact the Court of Appeals by phone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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.

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