

Issue: March 2016

## Briefly: An Unemployment Case Analysis

### Background

The claimant quit voluntarily due to dissatisfaction with her employment. The claimant was allowed benefits upon a finding that she quit for good cause connected with the work. The employer appealed, and a hearing was scheduled before an administrative law judge.

### At the Hearing

**The Claimant's Evidence:** The claimant, a medical assistant, testified that she left her employment because she believed she was being asked to perform a task that was not legal for her to perform. The claimant testified that she was required to make diagnoses for patients, and was being warned for not performing that task, which is not something a medical assistant is allowed to do. The claimant testified that making diagnoses may only be done by doctors.

**The Employer's Evidence:** The employer testified that the claimant submitted her resignation after being counseled about performance issues. The employer testified that the claimant was not being asked to diagnose patients, she was being asked to look up diagnosis codes based on the diagnoses already made by the doctors, a simple clerical task within the scope of her duties and a task for which she had been trained. The claimant was warned about contacting others for the codes rather than looking them up herself (and other performance concerns) but submitted her resignation rather than attempt to continue her employment. The claimant did not cite the concerns expressed at the hearing to anyone prior to leaving. She had followed the employer's chain of command for complaints in the past, which showed she was aware of the process.

### The Hearing Decision

The Administrative Law Judge found that the claimant quit with good cause connected with the work and she was allowed benefits. The administrative law judge found that the claimant was being asked to perform illegal tasks, which is an unreasonable request, giving her good cause to leave her employment. The employer appealed, arguing that the ALJ's decision was incorrect. The employer provided evidence to prove that the claimant was not being asked to perform illegal tasks, and if the claimant did believe that, she should have informed the employer of her concerns and allowed the employer to address them.

### The Board of Review Decision

The Board of Review disagreed with the Administrative Law Judge and reversed the decision. The Board found that the ALJ's decision that the claimant was being asked to perform illegal tasks was not reasonably based on the record of evidence presented at the hearing. The employer proved that the claimant was not being asked to perform illegal tasks. Additionally, her failure to raise the issue prior to her resignation negated any good cause she might have had for leaving work. She was disqualified from benefits.

### Takeaways

1. **Good cause to leave work can include being asked to perform unreasonable tasks.** If the claimant had actually been required to do tasks at work which were not legal for her to perform, the ALJ's decision might have remained in effect. *If a claimant is alleging that a manager is requiring her to do illegal things on the job, be prepared to counter that allegation with supporting evidence. In this case, the employer was able to prove that the task the claimant objected to was within the scope of her job duties, and that her characterization of the task as illegal was incorrect.*
2. **A Board of Review can reverse a decision of an Administrative Law Judge if the ALJ's decision contains significant errors.** In this case, the Board of Review was able to reverse the decision because it was based on facts which the Board found were not reasonably based on the evidence presented at the hearing. *The Board found that the employer's evidence refuting the claimant's testimony was not considered by the ALJ in his decision, and the Findings of Fact made by the ALJ were therefore incomplete. When the employer's evidence was considered, the ALJ's decision was incorrect as a matter of law and was therefore in error. If you have any questions on the appeals process, please contact your unemployment consultants.*

Please remember: Unemployment Laws vary from state to state. The result in this case might be different from a case in your state.

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