

**BOARD OF REVIEW**  
**OKLAHOMA EMPLOYMENT SECURITY COMMISSION**  
**P.O. BOX 53345**  
**OKLAHOMA CITY, OK 73152**

Docket No. 14-AT-08489-BR

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

SSA #

Date of Appeal to Board: MAY 28, 2014

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, , affirming the Commission's determination by finding the claimant voluntarily left his last employment without good cause connected to the work and disallowing benefits in accordance with Section 2-404, Title 40, Okla. Stat., as amended.

This matter comes for review in its regular order on the assignment docket. It is submitted on the recording of the hearing held before the Appeal Tribunal, the Appeal Tribunal decision, and the records in the offices of the Oklahoma Employment Security Commission, the Appeal Tribunal, and the Board of Review pertaining to this appeal.

The claimant quit his job because the employer cursed him on a daily basis, and also would not pay him for his overtime. He put up with it for several months because he had children to support and needed the job. He spoke to the employer about the way he was treating him, but the employer only treated him worse after that. The Hearing Officer found that since the claimant had put up with the bad treatment for several months, he had "accepted" those working conditions, and therefore he did not have good cause to quit.

The Board of Review finds that there is nothing in the statutory scheme of the Oklahoma Employment Security Act that requires the claimant to either quit at the first sign of mistreatment or within a certain time period after the mistreatment begins, or be denied unemployment benefits. The claimant tried to continue to work for this employer in spite of his treatment of him, because he needed the job. In determining good cause for quitting, Section 2-405(2) states that it can include substantially unfair treatment of the employee or the creating of substantially difficult working conditions by the employer. Being cursed at every day and not being paid for work performed certainly amount to substantially unfair treatment and substantially difficult working conditions. The Board finds the claimant did have good cause connected to the work for quitting.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED. The claimant is allowed benefits effective March 30, 2014.

COPIES TO: CLAIMANT  
EMPLOYER

**APPEAL RIGHTS**

Within 30 days after the mailing date of this decision, as shown opposite, further written appeal for judicial review may be filed in the District Court of claimant's county of residence or in the District Court of Oklahoma County if claimant is not a resident of Oklahoma, in accordance with Section 2-610, Title 40, Ok. Stat.

**CERTIFICATE OF MAILING**

I certify on 7-29-14 I personally placed copies of this decision in the United States mail in envelopes addressed to the claimant and employer at their respective addresses shown on the decision. Said envelopes were sealed and bore indicia of proper postage paid.