

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

Docket No. 15-AT-08736-BR

In Re: Claim of:

APPELLANT

EMPLOYER

SSA #

Date of Appeal to Board: JUNE 30, 2015

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 her 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 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 submitted documentation to the Board of Review that was not presented at the Appeal Tribunal hearing. In the Rules for the Administration of the Oklahoma Employment Security Act, Rule 240:15-3-3(c) states, "If, at the original Appeal Tribunal hearing, any documents, exhibits, testimony or evidence of any kind was, or could have been, in the possession of the propounding party, but the propounding party failed to introduce it at the hearing and it was not included in the documents of the Commission, then it shall not be considered or made part of the record by the Board of Review, or the Appeal Tribunal on remand." Therefore the new documentation could not be considered by the Board when examining this case.

The claimant quit this job because she was being subjected to coworkers yelling and cursing. She talked to her supervisor about this situation several times. The supervisor would report the complaints to Human Resources. After these reports, the coworkers would improve for a short time but then revert to the objectionable behavior. The Hearing Officer made a finding that the claimant was working in a hostile work environment, but then said the claimant should have taken her concerns to someone higher in the chain of command. The Hearing Officer found the claimant did not take all available steps to remedy the problem and therefore did not have good cause for quitting.

The Board of Review agrees that the claimant was in a hostile work environment. She reported the problems to her supervisor several times. She should not be held responsible for having to go over her supervisor's head to get this situation corrected. The Board finds that 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 May 10, 2015.

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 9-15-15 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.