



# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*



## Harassment

A surgical technician resigned from her position with notice because of alleged harassment by her supervisor. She considered the supervisor's behavior to be unprofessional and unfairly harsh and contended it interfered with her ability to perform her job. She filed a claim for unemployment benefits claiming harassment and was held eligible by a claims examiner who determined she established "good cause attributable to the work" for leaving the job.

The hospital employer and its agent, Princeton Claims Management, disagreed with the claims examiner's determination and filed an appeal denying any harassment. In a voluntary leaving situation, it is the claimant's burden to establish good cause connected to the work for quitting. He or she must also take advantage of all alternatives to protect the job and remain employed. The claimant testified at length about examples she considered to be harassment, but when cross examined by the employer's agent she failed to substantiate that her supervisor's expectations or treatment were intolerable or perverse. She also failed to explore alternatives to leaving; such as a transfer to another position or the filing of a grievance concerning her dissatisfactions.

In the hearing examiner's written decision, he agreed with the employer that there was no harassment and wrote in his opinion, "the supervisor was merely exercising his supervisory responsibilities to get the work done." Since the claimant failed to substantiate that she was harassed or her working conditions were unusual or intolerable, she did not meet her good cause burden for leaving the job to join the ranks of the unemployed. Therefore, the examiner reversed the UI Decision and held the surgical technician disqualified from benefits for voluntarily leaving work without good cause attributable to the work under N.J.S.A. 43:21-5(a).

*This decision demonstrates that the burden to substantiate good cause for leaving work due to harassment requires convincing evidence from the claimant that it occurred and was intolerable under New Jersey's UI Law.*