

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Ronny Player,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 297 C.D. 2011
	:	SUBMITTED: June 17, 2011
Unemployment Compensation	:	
Board of Review,	:	
	:	
Respondent	:	

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE LEADBETTER **FILED: July 21, 2011**

Claimant Ronny Player petitions, *pro se*, for review of the order of the Unemployment Compensation Board of Review (Board), which affirmed the denial of benefits on the ground that she lacked a necessitous and compelling reason for terminating her employment. We agree and affirm.

Claimant was employed as a Data Entry Operator for Children’s Hospital of Philadelphia (Employer). Claimant terminated her employment on August 18, 2010, following a disagreement with her supervisor regarding the manner in which her work should be done. Benefits were initially denied and a hearing before a referee followed, where both Claimant and Employer’s representative appeared without counsel. Following testimony, the referee made the following findings:

In January of 2009, the claimant sent an e-mail (which her Supervisor considered derogatory), referring to the Supervisor as “greedy”.^[1] The claimant believes that she has not gotten along with her Supervisor since the Supervisor saw the email. Employer[’s] policy provides that employees may not be considered for a transfer or promotion if they have had a write-up within two years. The claimant took a leave of absence for stress from August 2009 through September 2009. On December 14, 2009, the claimant received a verbal warning for “failure to interact in a polite and professional manner”. The claimant took a leave of absence for stress from May 2010 through June 2010. The claimant believed that these periods of stress were caused by conflict between her and her Supervisor. On June 8, 2010, the claimant received a written warning for exhausting her time and having a negative leave balance of 6.8 hours. The claimant requested a transfer to another department, but was denied the transfer because she had a written warning for exhausting her time. The claimant felt that she was overworked. The claimant suffered from headaches and depression. The claimant complained to the Human Resources (HR) Department concerning her Supervisor. . . . The claimant voluntarily quit her job on August 18, 2010 because she didn’t get along with her Supervisor and believed that her Supervisor was causing her stress.

Referee’s decision and order at 1-2 (Appeal No. 10-09-H-9740, mailed December 1, 2010) (footnote added, finding of fact numbers omitted). The referee also found that, there was no competent evidence that Claimant’s stress was caused by either her Supervisor or the work environment or that her doctor advised her to quit her job. Accordingly, the referee concluded that Claimant failed to demonstrate necessitous and compelling reason to terminate her job and denied benefits. On

¹ While the email was intended for a co-worker, Claimant unintentionally sent the email to her supervisor.

appeal, the Board affirmed, noting that while Claimant had subjective concerns and dissatisfaction regarding her job and supervisor, she failed to credibly establish necessitous and compelling cause to terminate her employment.² The present appeal followed.

After a review of Claimant's *pro se* petition for review and appellate brief, we conclude the only issue preserved for appellate review is whether the Board erred in concluding that Claimant lacked necessitous and compelling reason to voluntarily terminate her job, a legal question subject to this court's plenary review. Claimant argues:

A reasonable person would have left their jobs [sic] after numerous unsolved complaints to proper management, taking time off for stress, dealing with an unreasonable person that has it out for them, no growth potential even after several years, and having it all affect their family and personal life. There have been numerous stories on the news showing how a person can snap out on a job due to stress, or mistreatment, harming those who wronged them, when they could of [sic] just left. . . . My mental health is of great importance to me, one can not fully function, if they feel nervous or stressed all the time, further more [sic], I did not like having to take stress pills because it interfered with my interaction with my children, all desire was lost for this job, leaving me no choice to [sic] leave.

Claimant's appellate brief at 9.

When a claimant voluntarily terminates employment, she is ineligible for unemployment compensation benefits unless she can demonstrate necessitous and compelling reasons for the termination. Section 402(b) of the Unemployment

² The Board also denied claimant's subsequent request for reconsideration.

Compensation Law,³ 43 P.S. § 802(b). The requisite “necessitous and compelling” reason is one that “results from circumstances which produce pressure to terminate employment that is both real and substantial, and which would compel a reasonable person under the circumstances to act in the same manner.” *Ann Kearney Astolfi DMD PC v. Unemployment Comp. Bd. of Review*, 995 A.2d 1286, 1289 (Pa. Cmwlth. 2010) (quoted authority omitted). Normal workplace strains and pressures do not constitute adequate cause to quit. *Id.* As this court has observed: “Resentment of a reprimand, absent unjust accusations, profane language or abusive conduct . . . mere disappointment with wages . . . and personality conflicts, absent an intolerable working atmosphere . . . do not amount to necessitous and compelling causes.” *Id.* [quoting *Lynn v. Unemployment Comp. Bd. of Review*, 427 A.2d 736, 737 (Pa. Cmwlth. 1981)]. Here, while Claimant’s testimony demonstrates that she did not believe that she got along well with her supervisor and that he was overly critical of her, without more, she has not demonstrated an intolerable work environment. Accordingly, the Board did not err in concluding that Claimant failed to demonstrate that her work environment constituted necessitous and compelling cause to terminate her employment.

Claimant also failed to meet her burden of demonstrating that a health condition presented a compelling reason to quit. In order to meet this burden, the claimant must offer competent testimony that: (1) adequate health reasons existed to justify the voluntary separation from employment; (2) she informed her employer of the health problems; and (3) she is available for work if reasonable accommodations are made. *See Ann Kearney Astolfi*, 995 A.2d at 1290; *Lee Hosp. v. Unemployment Comp. Bd. of Review*, 637 A.2d 695 (Pa. Cmwlth. 1994). Here,

³ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*.

the Board clearly rejected Claimant’s testimony regarding the nature and extent of her health conditions in that it found that she “failed to provide competent medical testimony or evidence establishing good cause to quit.” Board’s order (Appeal No. B-10-09-H-9740, mailed January 25, 2010). Moreover, while not a ground for the Board’s decision, we note that while Claimant testified to the stress that she felt, there is no evidence in the record, including the emails from Claimant to various human resource personnel that Claimant submitted at the hearing before the referee, demonstrating that before Claimant quit, she informed her employer that her relationship with her Supervisor was causing her such stress and/or affecting her health to the extent that she could no longer work with that supervisor or in that department.⁴ Accordingly, the Board did not err in denying benefits to Claimant.

Based on the foregoing, the Board’s order is affirmed.

BONNIE BRIGANCE LEADBETTER,
President Judge

⁴ Before the referee, Claimant vaguely testified as follows:

I had like documentation of which I contacted my HR representative several times on several different occasions in reference to the manner of my supervisor and what I was going through. And I felt as though HR was starting to look at me like I was a troublemaker and just somebody that was complaining [inaudible] really handle the situation.

Transcript of Testimony at 10, Hearing of December 1, 2010. In her email announcing her decision to leave, Claimant states: “Hey Bob, Your [sic] finally getting what you want, between you and my home life I have been succesfully [sic] beating [sic] down to nothing, u van [sic] take a bow, you wanted me out of here and you got it . . . I have succesfully [sic] lost my mind . . . thanks” Employer’s Exhibit 2 to Transcript of Testimony.

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Board of Review,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 21st day of July 2011, the order of the Unemployment Compensation Board of Review in the above-captioned matter is hereby affirmed.

BONNIE BRIGANCE LEADBETTER,
President Judge