

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-162

JANUARY TERM, 2004

	} APPEALED FROM:
	}
	} Employment Security Board
	}
Robert S. Borkowski	}
	}
v.	} DOCKET NO. 12-02-026-06
	}
Department of Employment and Training	}
	}
	}

In the above-entitled cause, the Clerk will enter:

Claimant appeals pro se from a decision of the Employment Security Board denying his request for unemployment compensation. We affirm.

Claimant sought unemployment compensation benefits after leaving his job as a tele-planner for SBC Communications/SBC Global Services in early September 2002. Claimant's job required him to work out of an office at the IBM company, an SBC client. Before he left his job, IBM informed claimant that it was planning to relocate his office and that thereafter, claimant would share an office with another individual. Claimant asked to delay the move until he returned from military duty with the Vermont Army National Guard. Although IBM's space planners approved delaying the move, claimant's IBM contact insisted that claimant move his office before leaving for military duty.

Sometime after he spoke to his contact about the move, claimant submitted his resignation by email to Tanya Blackshear, SBC's operations manager who was located out of state. In his email claimant stated that, A My decision to leave your employment was a difficult choice and was made with a heavy heart. However, I have decided to pursue other interests and goals. My primary reasons are personal I request this resignation be effective immediately. @ Claimant had not discussed his concern about the timing of the office move with anyone from SBC before resigning. He also did not raise the issue during his conversation with Tanya Blackshear after he resigned.

About a month later, on October 5, 2002, claimant filed a claim for unemployment compensation. His claim was denied. Claimant appealed, and an appeals referee from the Department of Employment and Training heard his case. After a telephone hearing in which claimant and Tanya Blackshear were the only witnesses, the appeals referee also denied claimant's request for benefits. The appeals referee concluded that claimant's departure from SBC was voluntary and was not attributable to anything SBC had done. Claimant appealed to the Employment Security Board, which reached the same conclusion as the appeals referee. This appeal followed.

On appeal, claimant essentially contests the Board's findings that he left his job with SBC voluntarily and that his reasons for leaving were not attributable to SBC. Under 21 V.S.A. ' 1344(a)(2)(A), an employee who quits his job A without good cause attributable to@ the employer disqualifies himself from unemployment benefits. 21 V.S.A. ' 1344(a) (2)(A). It is claimant's burden to prove that he left his job for good cause attributable to SBC. Skudlarek v. Dep= t of Employ. & Training, 160 Vt. 277, 280 (1993). Id. To satisfy the good cause standard in cases where an employee alleges poor working conditions as justification for leaving a job, we generally require a showing that the employee made some effort to remedy the situation with the employer. See Rushlow v. Dep= t of Employ. & Training, 144 Vt.

328, 331 (1984) (affirming denial of unemployment benefits to employee who quit rather than meet with employer to discuss workplace problems); Dunton v. Dep= t of Employ. & Training, 136 Vt. 483, 484 (1978) (where claimant failed to show he made effort to change working terms or conditions, denial of unemployment benefits based on lack of good cause for voluntary quit was appropriate). When reviewing an order from the Employment Security Board, we will not disturb its factual findings if they are supported by credible evidence. Skudlarek, 160 Vt. at 280.

In this case, the record fully supports the Board= s finding that claimant left his job for personal reasons that could not be attributed to SBC. Indeed, claimant= s letter of resignation stated as much. If claimant= s motivation to quit was the stress of the office move, which is what he claims here, he was obligated to discuss the matter with his employer to see if the issue could be resolved. Claimant never did that before he resigned. Moreover, the moving decision cannot in any way be attributed to his employer, SBC. The record shows that it was IBM= s needs that prompted the decision to move claimant to a different office. Because the Board= s decision is supported by the evidence, we have no grounds to disturb it.

Affirmed.

BY THE COURT:

Jeffrey L. Amestoy, Chief Justice

John A. Dooley, Associate Justice

Paul L. Reiber, Associate Justice