



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



***Barriga v. Arizona Department of Economic Security,  
CV-22-0231-PR***

**PARTIES:**

*Petitioner:* Arizona Department of Economic Security (“ADES”)

*Respondent:* Pedro Rivera Barriga

**FACTS:**

In February 2020, Barriga was hired by an auto shop to work as an auto detailer. The work area was cooled by several evaporative coolers. One of Barriga’s co-workers arrived for his shift two hours before Barriga and would move one of the coolers so that it pointed at his own station and not the entire work area. Barriga complained to his supervisor about the issue; he also notified his supervisor about his disagreement with the co-worker regarding the music played in the shop. The supervisor viewed the matter as a “tug-of-war” and a “game” being played between Barriga and the co-worker. After several unproductive discussions with his supervisor, Barriga quit because he did not believe the supervisor was fairly addressing his complaints. Barriga then filed for unemployment benefits.

An ADES deputy found that Barriga was not eligible for unemployment benefits because Barriga had voluntarily quit his job and had not established that an intolerable work situation existed. Barriga appealed to an ADES appeals tribunal and an administrative law judge found in his favor, ruling that Barriga had quit with “good cause.” The employer appealed that ruling to the ADES Appeals Board (the “Board”). The Board ruled that Barriga was not eligible for unemployment benefits because he had not “establish[ed] good cause for quitting due to inharmonious relations” because he had not shown that “the relations [at work] were so unpleasant that remaining at work would create an intolerable work situation.” Barriga appealed to the court of appeals.

The court of appeals analyzed the ADES regulations governing quitting for “good cause,” which provide:

C. Fellow employee (V L 515.4)

1. A worker who leaves because of inharmonious relations with a fellow employee leaves with good cause if he is established that the conditions were so unpleasant that remaining at work would create an intolerable work situation for him.

2. In determining whether a situation is intolerable, the following factors should be considered:

a. Would continued employment create a severe nervous strain or result in

a physical altercation with the other employee?

b. Was the worker subjected to extreme verbal abuse or profanity? The importance of profane language as an adverse working condition varies in different types of work.

3. A physical attack by a fellow-employee would be good cause for leaving if the claimant was clearly not at fault, unless the employer had taken reasonable steps to avoid a recurrence.

Arizona Administrative Code R6-3-50515(C). The court of appeals noted that *Murray v. Arizona Department of Economic Security*, 173 Ariz. 521 (App. 1992), had held that the two factors listed in R6-3-50515(C)(2) were the only way for a worker to establish that voluntarily quitting because of a relationship with a co-worker or supervisor could constitute “good cause.”

However, the court of appeals “disagree[d]” with the construction of R6-3-50515(C) in *Murray. Barriga v. Arizona Dep’t of Economic Security*, 254 Ariz. 85, 89 ¶ 14 (App. 2022). The court stated that it did “not read R6-3-50515(C) so narrowly as to say that only the two factors listed, (1) severe nervous strain or potential fisticuffs, and (2) extreme verbal abuse or profanity, are the only conditions that could ever make a work situation intolerable.” *Id.* ¶ 16. Rather, when R6-3-50515(C) was “read as a whole,” the court concluded that it governed “intolerable work situation[s]” and that situations other than the two listed in subsection R6-3-50515(C)(2) could permit a worker to quit with good cause. The court of appeals thus ruled that the ADES Board of Appeal had “applied an erroneous interpretation of the rule to Barriga’s case.” *Id.* ¶ 18. The court vacated the Board’s decision and remanded for ADES to reconsider and to seek “additional fact finding” if necessary. *Id.* at 90 ¶ 26.

ADES then petitioned this Court for review, which was granted as to the two issues listed below.

#### ISSUES:

1. Does A.A.C. R6-3-50515(C) require a claimant to establish that continued employment would create a severe nervous strain, result in physical altercation with the other employee, or subject him to extreme verbal abuse and profanity to show that he left work for good cause because of inharmonious relations with a coworker or supervisor?

2. Given the myriad factors that must be considered in determining whether a claimant is entitled to unemployment benefits, did the court of appeals err by summarily finding that Barriga would be entitled to receive benefits if he could establish on remand that he left work because of a health or physical condition and had “compelling personal reasons” to do so, as A.A.C. R6-3-50235(B) defines that phrase?

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