

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0014**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 30, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective June 18, 2023 (decision # 112647). Claimant filed a timely request for hearing. On December 8, 2023, ALJ Goodrich conducted a hearing at which the employer failed to appear, and on December 12, 2023, issued Order No. 23-UI-243198, affirming decision # 112647. On December 22, 2023, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant's argument contained information that was not part of the hearing record, and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's argument to the extent it was based on the record.

**FINDINGS OF FACT:** (1) Slalom Consulting employed claimant as a senior compensation program manager from November 2021 until June 22, 2023.

(2) Claimant's work involved using Microsoft Excel and PowerPoint software on various projects in collaboration with coworkers. Claimant believed he was "pretty good" at using this software but felt that his coworkers were "quite a bit better." Transcript at 16-17. Claimant undertook training on his own initiative to try to improve his skills with this software but did not believe that he could improve them such that his work product would meet the employer's standards of looking "professional enough." Transcript at 17.

(3) In late 2022, claimant was working on a project with the assistance of two coworkers. Claimant failed to notice an error made by one of these coworkers in an Excel spreadsheet before claimant submitted it to his supervisor. Claimant later corrected the error and notified his supervisor. The supervisor initially expressed understanding and "seemed fine" with the situation. Transcript at 14. However, claimant noticed a "stark difference" in how the supervisor treated him thereafter, checking in

with him “two or three times a week,” and causing claimant to feel “micromanaged.” Transcript at 11, 15. Claimant believed that his supervisor no longer trusted him and started taking over his work because she felt claimant was not capable of doing it correctly. The supervisor’s actions caused claimant to wonder, “[W]hen are they maybe going to fire me because of this?” Transcript at 22.

(4) By late May or early June 2023, the change in claimant’s relationship with his supervisor, his fear of being discharged, and doubts about his proficiency in using the software caused him to feel “depressed and anxious,” particularly on Sunday nights. Transcript at 11. The symptoms did not cause claimant to consider requesting a leave of absence. Because of these symptoms, claimant felt “the job wasn’t working too well for [him] anymore,” and inquired of his supervisor about negotiating a severance agreement with the employer. Transcript at 11. The supervisor told claimant that she had planned on placing claimant on a performance improvement plan but arranged for the severance negotiation at claimant’s request instead.

(5) On June 22, 2023, claimant quit working for the employer pursuant to a severance agreement he proposed and negotiated.

(6) Claimant did not seek transfer to another role within the company that might have caused less stress and anxiety because he believed “there wouldn’t have been a possibility like that,” though he had considered the option. Transcript at 23. After claimant quit working for the employer, he “kept learning in Excel and improving” his software skills as he looked for other work. Transcript at 18.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless they prove, by a preponderance of the evidence, that they had good cause for leaving work when they did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). “Good cause . . . is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work.” OAR 471-030-0038(4) (September 22, 2020). “[T]he reason must be of such gravity that the individual has no reasonable alternative but to leave work.” OAR 471-030-0038(4). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for their employer for an additional period of time.

Claimant voluntarily quit work because his supervisor’s loss of trust in claimant’s ability to perform his work to the employer’s standards caused him to feel anxious, depressed, and question whether he might eventually be discharged. A claimant has good cause to quit work to avoid being discharged, not for misconduct, when the discharge was imminent, inevitable, and would be the “kiss of death” to claimant’s future job prospects. *McDowell v. Employment Dep’t.*, 348 Or 605, 236 P3d 722 (2010).

Claimant has not shown that at the time he quit work he faced a discharge that was imminent or inevitable. Though claimant’s supervisor had planned to put him on a performance improvement plan, she had not informed claimant of this before he approached her to inquire about resigning. Claimant’s discharge was therefore not imminent, as the employer intended to give claimant time to improve his performance, and the period in which to demonstrate improvement had not yet begun when claimant decided to resign. Further, the record does not show that discharge was inevitable, as it can reasonably

be inferred that the anticipated plan would have instructed claimant on specific areas of his performance in need of improvement and ways in which he could achieve that improvement, possibly including additional training for the software with which claimant had difficulty. While claimant's testimony suggested that he believed he was incapable of improving his skill in using the software to the employer's satisfaction, he testified that even after he quit the employment his software skills continued to improve through further training on his own. Transcript at 18. This suggests that, despite his doubts, claimant may have been successful in the performance improvement plan had he undertaken it. Accordingly, claimant did not show that he faced a grave situation based on an imminent, inevitable discharge that would have impaired his future job prospects.

Furthermore, though claimant's fear of being discharged did not constitute a grave situation, the circumstances leading to this fear also caused claimant symptoms of depression and anxiety which motivated his decision to quit work. Because the employer planned to work with claimant to improve his performance had he not resigned, likely regarding his use of the software, claimant's confidence in his ability to use the software and, in turn, his relationship with his supervisor, may have improved. As the record suggests that this lack of confidence in claimant's ability to use the software by both claimant and his supervisor impacted claimant's symptoms of depression and anxiety, it can reasonably be inferred that these symptoms may have been alleviated as claimant improved his software skills through participation in the performance improvement plan. Moreover, claimant testified that he did not consider requesting a leave of absence to deal with these symptoms. Transcript at 24. This suggests that the symptoms were not impairing claimant's ability to work such that he could not have at least begun participating in the performance improvement plan. Accordingly, claimant has not demonstrated that these symptoms constituted a situation of such gravity that no reasonable and prudent person would have continued to work for their employer under the circumstances for an additional period of time.

For these reasons, claimant has not shown that he quit work when he did because he faced a grave situation. He therefore voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective June 18, 2023.

S. Serres and A. Steger-Bentz;  
D. Hettle, not participating.

**DECISION:** Order No. 23-UI-243198 is affirmed.

**DATE of Service:** January 26, 2024

**NOTE:** You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at [courts.oregon.gov](https://courts.oregon.gov). Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymoz.com/s3/5552642/EAB-Customer-Service-Survey>.

You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



# Understanding Your Employment Appeals Board Decision

## English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

## Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyon.

## Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

## Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

## Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

**Khmer**

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**Laotian**

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນໍາຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນໍາສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**Arabic**

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

**Farsi**

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.