

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0183**

*Reversed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 11, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits effective August 20, 2023 (decision # 113520). Claimant filed a timely request for hearing. On January 19, 2024, ALJ Goodrich conducted a hearing, and on February 6, 2024 issued Order No. 24-UI-247375, reversing decision # 113520 by concluding that claimant voluntarily quit work with good cause and was not disqualified from receiving benefits based on the work separation. On February 14, 2024, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Malheur County Soil & Water Conservation District employed claimant from June 2016 until August 22, 2023. Claimant initially worked as a range specialist. As of claimant's August 22, 2023 work separation, he worked as district manager and oversaw the employer's range specialists. An elected board supervised claimant and managed the employer's operations.

(2) The employer was funded primarily through grants, and writing grant applications was one of claimant's main job duties working for the employer. The grant writing process was stressful and often caused claimant to work after normal work hours and on weekends.

(3) Prior to March 2023, claimant was one of two employees who wrote grant applications for the employer. In March or April 2023, the board revoked the other employee's authority to write grant applications. The board held an executive meeting at that time, and claimant raised his concerns about his workload and the lack of additional grant writers. At that time, the board "began discussions" about a retired employee, L.R., "coming back and assisting with the workload." Transcript at 24. In or around March 2023, L.R. returned to work for the employer. Upon her return, L.R. assisted claimant with writing grant applications.

(4) Between March 2023 and June 2023, claimant worked many nights and weekends because of the workload related to grant writing and overseeing the range specialists.

(5) In late June 2023, claimant was experiencing “mental strain” due to his workload and felt he needed to seek mental health care. Transcript at 8. Claimant’s preference was to resign at that time. However, the employer had insufficient funding to pay claimant’s his accrued leave balance at that time. As a result, claimant took a leave of absence without a specified end date, but which lasted about seven weeks. Claimant took the leave to “burn . . . a bunch of th[e] [accrued leave] time” so that the employer “could afford to cash [claimant] out.” Transcript at 6. Claimant also used the leave of absence to see a psychiatrist and a general practitioner. Claimant’s doctors diagnosed claimant with attention deficit hyperactivity disorder (ADHD) and prescribed claimant medication to treat stress and anxiety.

(6) Prior to August 21, 2023, the employer hired new employees, including J.B. The employer trained J.B. to be able to write grant applications soon after hire.

(7) On August 21, 2023, claimant returned to work for the employer. Upon his return, claimant felt “burnt out carrying multiple positions” as district manager and overseeing the employer’s range specialists. Transcript at 12. However, upon his return, he and L.R. shared the district manager duties with L.R. “oversee[ing] the water side” and claimant managing “the rangeland side.” Transcript at 23, 30. L.R. told claimant that day that the board wanted her to step in as district manager and have claimant work solely on overseeing range specialists. Transcript at 37. Claimant’s duties overseeing the range specialists included continuing to write grant applications.

(8) Claimant worked on August 21, 2023. On the morning of August 22, 2023, claimant heard J.B. and L.R. speaking at a low volume about a PowerPoint presentation claimant had created related to a particular grant. J.B. told L.R. that the slides were hard to read because of certain colors claimant had used. L.R. agreed it was hard to read but stated “that’s the way it is.” Transcript at 34. The exchange claimant overheard caused him to become upset and to think that the workplace had not improved and would not change. Transcript at 18, 29. Claimant told L.R. he believed nothing would change, packed his things, and left work. Claimant did not work for the employer again.

(9) The critique claimant overheard was “the straw that broke the camel’s back” and caused claimant to quit. Transcript at 21. Claimant also quit work because of the stress of writing grant applications and working as both district manager and overseer of the range specialists.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left 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). Claimant had ADHD, a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h).<sup>1</sup> A claimant with an impairment who quits work must show that no reasonable and prudent

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<sup>1</sup> The record is sufficient to conclude that claimant’s ADHD was a long-term impairment. Claimant was diagnosed with ADHD during the leave he took that began in late June 2023, and resigned about two months later, on August 22, 2023. It is reasonable to conclude, however, that the condition, though undiagnosed, originated at least as of March 2023 because

person with the characteristics and qualities of an individual with such an impairment would have continued to work for their employer for an additional period of time.

The order under review, applying the modified analysis of a reasonable person with the characteristics and qualities of an individual with ADHD, concluded that claimant had good cause for leaving work because the criticism that claimant heard of his PowerPoint presentation, viewed in terms of the totality of the circumstances, presented him with a situation of such gravity that he had no reasonable alternative but to quit. Order No. 24-UI-247375 at 3-5. The record does not support this conclusion.

At hearing, claimant testified that the criticism of his PowerPoint presentation was “the straw that broke the camel’s back” and caused him to resign. Transcript at 21. However, claimant stated that the strain of grant writing “was also part of” why he quit. Transcript at 22. Another reason claimant left work was “total burnt out” from “carrying multiple positions.” Transcript at 12.

With respect to the criticism claimant overheard regarding his PowerPoint presentation, claimant did not establish good cause for leaving work. Claimant testified that, with his ADHD “tendencies,” stress from work caused him to be irritable, forgetful, to be “jumping around,” and to have difficulty sleeping. Transcript at 27. Claimant stated that the PowerPoint critique he overheard caused him to become upset and to think that the workplace was the same as before his leave of absence and would not change. Transcript at 18, 29. However, the record shows that the criticism claimant overheard amounted to no more than a mild complaint about the readability of the slides, which was discussed at a low volume by J.B. and L.R. and therefore presumably was not intended for claimant to hear. Transcript at 18, 20, 21. It is not evident that J.B.’s comment about the readability of the PowerPoint would have caused claimant to do more work or otherwise increase his workload. L.R. testified that when someone built a PowerPoint, the builder got to decide how it looked. Transcript at 39. She also stated that she told J.B. that she agreed that the PowerPoint was hard to read but said to him, “that’s the way it is,” a remark that suggests claimant would not have been required to change the PowerPoint. Transcript at 34. Claimant did not show that no reasonable and prudent person with the characteristics and qualities of an individual with ADHD would have continued to work for their employer for an additional period of time because of the critique of his PowerPoint presentation.

With respect to the stress claimant was experiencing from his grant writing duties, claimant also failed to meet his burden to establish good cause for leaving work. Claimant acknowledged at hearing that L.R. was assisting with writing grant applications at the time of claimant’s resignation. Transcript at 15. Moreover, as of the date of claimant’s resignation, the employer had hired J.B. as well as other “new people.” Transcript at 27. Claimant described J.B. as being hired shortly before claimant resigned and in reaction to the board’s decision to revoke the grant writing authority of the other employee who wrote grants prior to March 2023. Transcript at 14, 27. Claimant suggested he was supposed to train J.B., and, while claimant stated that when he quit only he and L.R. were writing grants, L.R. testified that J.B. built PowerPoint presentations for grants. Transcript at 14, 15, 39. More likely than not, therefore, at the time of claimant’s resignation, J.B. either had the authority to write grant applications or was intended to soon gain that authority.

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claimant testified he had mentioned experiencing stress and a desire to quit to some board members during a meeting in March 2023. Transcript at 25. Given the approximately six months between March 2023 and claimant’s August 2023 resignation, claimant’s ADHD condition was an impairment that was long-term in nature.

Based on the foregoing, claimant shared grant writing duties with other employees at the time he left work. Despite this, he resigned after only one day back on the job after his leave of absence, which was too short of a time to reasonably assess whether his grant writing workload would be eased with the assistance of L.R., J.B., or the other “new people” the employer had hired. Therefore, to the extent that the stress from the workload associated with grant writing was the reason claimant quit, claimant quit work without good cause because a reasonable and prudent person with ADHD would have allowed sufficient time to assess whether the grant writing workload was reduced through the assistance of others before resigning. Because claimant did not pursue this reasonable alternative prior to quitting, claimant did not meet his burden to show that stress from his grant writing workload presented a situation that no reasonable and prudent person with the characteristics and qualities of an individual with ADHD would have continued to work for their employer for an additional period of time. Claimant therefore failed to show that he quit work with good cause based on this reason.

Claimant likewise did not show good cause for leaving work based on the stress he was experiencing from carrying multiple positions at the time of his resignation. Claimant worked as district manager and oversaw the employer’s range specialists. However, upon his August 21, 2023 return from his leave of absence, he and L.R. shared the district manager duties with L.R. “oversee[ing] the water side” and claimant managing “the rangeland side.” Transcript at 23, 30. L.R. told claimant that day that the board wanted her to step in as district manager and have claimant work solely on overseeing range specialists. Transcript at 37. Although claimant’s duties overseeing the range specialists would have continued to include writing grant applications, the record shows that as of claimant’s resignation, the burden of carrying multiple positions was easing since L.R. was managing the “water side” of district manager duties and the board intended for her to take over the district manager responsibilities entirely. Therefore, to the extent that stress from carrying multiple positions was the reason claimant quit, a reasonable and prudent person with ADHD would not have quit when claimant did given L.R.’s taking on of some of claimant’s manager duties and the likely prospect that she would relieve claimant of the manager duties entirely. Claimant therefore failed to show that he quit work with good cause based on this reason.

Accordingly, claimant quit work without good cause and is disqualified from receiving unemployment insurance benefits effective August 20, 2023.

**DECISION:** Order No. 24-UI-247375 is set aside, as outlined above.

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

**DATE of Service:** March 22, 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.

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# 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**

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**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**  
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