

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0598**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 7, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective November 19, 2023 (decision # L0003990194). Claimant filed a timely request for hearing. On August 6, 2024, ALJ Schmidt conducted a hearing, and on August 9, 2024, issued Order No. 24-UI-262149, concluding that claimant voluntarily quit work with good cause and therefore was not disqualified from receiving benefits based on the work separation. On August 14, 2024, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Union County School District # 23 employed claimant as a high school math teacher from August 2020 until November 20, 2023.

(2) Prior to the 2023-2024 academic year, the employer was satisfied with claimant's performance.

(3) Around the beginning of the 2023-2024 academic year, the principal of claimant's school began assigning claimant to assist in other classrooms. Claimant initially complied, but eventually informed the principal of her concerns that she was neglecting her duties in her own classroom. After she did so, the principal began to regularly criticize claimant's teaching.

(4) On September 21, 2023, the principal issued claimant a "letter of directive" which indicated that claimant was required to improve her work performance in two separate areas. Transcript at 6-7. Although claimant did not believe that her performance was actually lacking in the areas that the principal had indicated, claimant took several steps to meet the guidelines set forth in the letter of directive. These included submitting lesson plans and examples of claimant's students' work to the principal on a weekly basis, submitting to classroom observation by the principal, and working with the school's other math teacher to ensure that she was improving as directed.

(5) During this period, claimant was also initially working with other teachers on collaborative and cross-disciplinary projects. However, claimant later learned that the principal had questioned the other teachers to find out if claimant had been “talking about her or gossiping.” Transcript at 19–20. In response, claimant stopped working directly with or speaking to other teachers, other than the math teacher who had been helping her meet her performance goals.

(6) As a result of the principal’s actions, claimant started to feel that the principal was isolating claimant from her colleagues. Claimant regularly experienced anxiety, began to dread going to work, and would habitually check for the principal’s car in the parking lot whenever claimant arrived at work. Claimant also experienced symptoms such as interrupted sleep, unwanted weight loss, and an eye twitch. Claimant spoke to her therapist about these issues, who advised claimant that she should refrain from communicating directly with the principal.

(7) On or around November 9, 2024, claimant met with the principal for her regularly scheduled meeting. Claimant asked that the other math teacher be present for any subsequent meetings, which the principal agreed to. On November 13, 2024, however, the principal notified claimant that she was being placed on paid administrative leave for failing to follow the requirements of the letter of directive.

(8) After being placed on administrative leave, claimant spoke to her therapist, who suggested that the development might be a “blessing in disguise and a way for [claimant] to get out.” Transcript at 15. The therapist advised claimant that if she could “survive” until the end of the academic year before leaving, she should, but that “otherwise if [claimant] cannot handle it then to get out.” Transcript at 15–16.

(9) Claimant consulted with her union representative about her situation, who advised claimant that she could “pursue” a case against the employer if she wished. Transcript at 23. Claimant considered doing so, but realized that her emotional state would not allow her to pursue a complaint against the principal by, for example, filing a grievance against her with the superintendent or school board, as she felt that this would lead to being “attacked more.” Transcript at 23. As such, claimant, via her union representative, negotiated a resignation with the employer, effective November 20, 2023. On November 20, 2023, claimant voluntarily quit work due to the principal’s behavior towards claimant and the effects it had on claimant’s mental and physical health.

(10) After claimant quit, her anxiety and associated symptoms resolved.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work with 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 of how her principal treated her, and the resulting effects this treatment had on claimant's health. As a preliminary matter, the employer offered no evidence to rebut claimant's testimony and to show that any of the principal's scrutiny of claimant, including the letter of directive and placing her on leave, was warranted by claimant's actual performance or behavior. The record shows that the employer was satisfied with claimant's performance prior to the 2023-2024 academic year. It further shows that all of the principal's actions taken against claimant almost immediately followed actions that claimant took, such as requesting to focus more on her own classroom or requesting that another teacher accompany her in meetings with the principal. Thus, given the lack of evidence that any of the principal's actions against claimant were warranted, it is reasonable to infer that more likely than not these actions were essentially retaliatory in nature.

In light of claimant's treatment, and the symptoms that claimant experienced as a result, claimant faced a grave situation. No reasonable and prudent person would continue to work for an employer who regularly subjected them to unwarranted criticism and disciplinary actions, particularly when that treatment resulted in symptoms such as anxiety, interrupted sleep, unwanted weight loss, and an eye twitch.

Further, claimant had no reasonable alternative but to quit. The record suggests that claimant may have been able to either pursue a claim (such as an unfair labor practices claim) through her union, or else bring her issues with the principal directly to the superintendent or school board, rather than quitting. However, these were not reasonable alternatives to quitting under the circumstances.

As to the possibility of pursuing a claim through the union, the Court of Appeals has held that where unfair labor practices are ongoing or there is a substantial risk of recurrence, it is not reasonable to expect claimant to continue to work for an indefinite period of time while the unfair practices are handled by the Bureau of Labor and Industries. *See J. Clancy Bedspreads and Draperies v. Wheeler*, 152 Or App 646, 954 P2d 1265 (1998)); *compare Marian Estates v. Employment Department*, 158 Or App 630, 976 P2d 71 (1999) (where unfair labor practices have ceased and the only remaining dispute between claimant and the employer is the resolution of the past issues, it was reasonable for claimant to continue working for the employer while litigating the claim). Claimant's circumstances are comparable to those in *J. Clancy Bedspreads and Draperies* because the principal's actions had not resolved, but continued against claimant through the time that she quit, and it can be presumed that any union action could take some time before any resolution was reached. During that time, claimant's physical and mental symptoms would likely have continued or worsened. As such, it would not have been reasonable for claimant to continue suffering from those symptoms while awaiting a potential outcome through the union process.

Similarly, while it is possible that addressing her concerns directly with the superintendent or school board might have resulted in a favorable resolution for claimant, the record shows that claimant's mental health would not have allowed her to do so. Claimant's therapist advised claimant to attempt to continue working for the employer through the end of the academic year if possible, but to quit if claimant could not "handle it." Claimant determined that she could not "handle it." While it is not clear from the record whether any attempts to speak to higher-ups in the school district would have resulted in a favorable resolution, no reasonable and prudent person, faced with further conflict while in an emotionally compromised state and advised by a mental health professional to quit if necessary, would have attempted to pursue such remedies when they would likely worsen their emotional state. Thus,

addressing claimant's concerns with the superintendent or school board would not have been a reasonable alternative to quitting.

For the above reasons, claimant voluntarily quit work with good cause, and therefore is not disqualified from receiving unemployment insurance benefits based on the work separation.

**DECISION:** Order No. 24-UI-262149 is affirmed.

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

**DATE of Service:** September 11, 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**

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  
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