

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0834**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On October 25, 2024, 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 September 8, 2024 (decision # L0006812353).<sup>1</sup> Claimant filed a timely request for hearing. On November 20, 2024, ALJ Allen conducted a hearing, at which the employer failed to appear, and on November 22, 2024, issued Order No. 24-UI-274404, affirming decision # L0006812353. On December 7, 2024, 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 her 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) Insight Global LLC, a staffing agency, employed claimant as a marketing project manager on a work assignment for their client, Nike, beginning August 1, 2022, until claimant's resignation on September 13, 2024.

(2) Claimant's work assignment for Nike had no defined end date and was subject to renewal on May 31 of each year, with no guarantee of extension. On May 31, 2023, claimant's work assignment was extended.

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<sup>1</sup> Decision # L0006812353 stated that claimant was denied benefits from September 29, 2024 to September 27, 2025. However, as decision # L0006812353 stated that the work separation occurred on September 13, 2024, the decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 8, 2024 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(3) In December 2023, Nike announced that they expected to lay off workers in the next year. The impending layoffs along with work and leadership changes made in advance of the layoffs caused claimant to experience anxiety, stress, high cortisol levels, hormonal irregularities, an absence of menstrual cycles, and sleep disturbances.

(4) In January 2024, claimant began applying for jobs with prospective employers other than the employer in this case, but did not receive any job offers.

(5) In April 2024, Nike laid off some of its workers. Although claimant was not laid off, the event caused claimant's team to have to do more work with fewer workers but the same expectations. It also remained unknown to claimant whether her work assignment would be renewed beyond May 31, 2024. As a result, claimant's stress, anxiety, and sleep disturbances worsened.

(6) In April 2024, claimant consulted a physician about her stress, menstrual irregularities, and related difficulties. The physician performed an analysis of claimant's blood, noted claimant's readings were abnormal, and changed claimant's birth control medication to address the menstrual irregularities.

(7) In May 2024, claimant began pursuing work assignments through the employer with clients other than Nike, but did not receive any work assignment offers.

(8) On May 31, 2024, claimant's Nike work assignment was extended, but only to August 31, 2024.

(9) On August 14, 2024, claimant consulted a different physician about her stress, sleep disturbances, and the like. The physician performed a blood analysis and determined that claimant had high cortisol levels and hormone irregularities. The physician prescribed progesterone to address the hormone irregularities and advised claimant to take non-prescription sleep supplements to address the sleep disturbances. These treatments helped claimant to an extent, but she continued having high anxiety and trouble sleeping.

(10) In mid-August 2024, claimant's work assignment was extended again, but only until December 31, 2024.

(11) On August 30, 2024, claimant gave the employer notice of her intent to resign from the Nike work assignment effective September 13, 2024. Claimant resigned as planned on September 13, 2024. Claimant resigned because of the negative effects the Nike work assignment had on her physical and mental health.

(12) Prior to resigning, claimant applied for ten separate work assignments the employer posted for clients other than Nike. Claimant also applied for over 75 jobs with prospective employers other than the employer in this case. Claimant was not offered any of these work assignments or jobs.

(13) Prior to resigning, claimant expressed concerns about her capacity to handle her workload to her supervisors at Nike but did not specifically speak with Nike about ways to reduce her stress levels from work because, since Nike was a work assignment client of the employer, she did not perceive reducing her stress levels to be Nike's responsibility.

(14) Claimant did not speak with her contacts at the employer about changing her team or scope of duties at Nike to reduce her stress levels because “Nike’s employment was very uncertain” and so claimant instead pursued work assignments through the employer with clients other than Nike, which were not fruitful. Transcript at 16.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit working for the employer 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.

The order under review concluded that claimant voluntarily left work without good cause. Order No. 24-UI-274404 at 3. The order concluded this was the case because claimant failed to pursue reasonable alternatives since, before she quit work, she failed to speak with the employer about changing her team or scope of duties at Nike to reduce her stress levels. Order No. 24-UI-274404 at 3. The record does not support that claimant failed to pursue reasonable alternatives prior to leaving work.

Claimant left work on September 13, 2024, because of the negative effects the Nike work assignment had on her physical and mental health. Claimant faced a grave situation. The high likelihood that Nike would eventually lay off claimant combined with the increased workload imposed on claimant by Nike’s April 2024 layoffs, caused claimant anxiety, stress, high cortisol levels, hormonal irregularities, an absence of menstrual cycles, and sleep disturbances. These difficulties began at the time of Nike’s December 2023 layoff announcement, worsened after the April 2024 layoffs, and despite treatments helping to an extent, persisted throughout the remainder of claimant’s employment. This evidence is sufficient to conclude that the circumstances of claimant’s work assignment presented her with a grave situation at the time that she quit.

Claimant pursued reasonable alternatives prior to leaving work but her efforts were not fruitful. Claimant consulted with physicians in April 2024 and mid-August 2024 to address her physical and mental health difficulties. Following these consultations, claimant changed her birth control, and took prescribed progesterone and non-prescription sleep supplements. The treatments helped claimant to an extent, but she continued having high anxiety and trouble sleeping.

Additionally, beginning in the first quarter of 2024, claimant applied for numerous jobs with prospective employers other than the employer in this case and pursued several work assignments through the employer with clients other than Nike, all to no avail. Note that OAR 471–030–0038(4) does not require that a worker seek other employment before quitting in order to show “good cause” under the rule. *See Hertel v. Employment Division*, 80 Or.App. 784, 788 n 5, 724 P.2d 338, rev den, 302 Or 456 (1986) (concluding that the rule “does not require a worker to seek other employment before quitting in order to

show good cause”); *Blivens v. Employment Division*, 55 Or.App. 665, 669, 639 P.2d 690 (1982) (same). *Warkentin v. Employment Dep’t.*, 245 Or. App. 128, 135, 261 P.3d 72 (2011). Therefore, claimant had no duty to seek other employment to show good cause. Had she not done so, it would have been improper to conclude that she lacked good cause on that basis. Even so, while a failure to seek other employment would not have precluded a finding of good cause, the record nevertheless shows that claimant made substantial efforts to find other employment before she quit and that those efforts were in vain.

Next, while claimant did not specifically speak with her supervisors at Nike about ways to reduce her stress levels, doing so would have been futile and therefore was not a reasonable alternative to leaving work. Claimant did not do so because, since Nike was a work assignment client of the employer, claimant did not perceive that reducing her stress levels was Nike’s responsibility. Claimant’s perception was reasonable. Claimant’s employer was Insight Global LLC, not Nike. Given that Nike had laid off some of its workers in April 2024, that these layoffs caused claimant’s team to have to do more work with fewer workers but the same expectations, and then, in the latter half of 2024, that Nike had extended claimant’s work assignment only a few months at a time, the record supports the inference that Nike would not have been inclined to change claimant’s team or alter the scope of her duties had she asked.

Similarly, because “Nike’s employment was very uncertain[,]” claimant did not speak with her contacts at the employer about changing her team or scope of duties at Nike before she quit. Transcript at 16. However, for reasons similar to the foregoing point, this too would have been futile and therefore was not a reasonable alternative to leaving. The record shows that Nike laid off workers in April 2024, this caused increased workload on claimant and her team, and that on May 31, 2024, rather than extend claimant’s assignment for another year, Nike extended it only a few months, and then, in mid-August 2024, Nike extended it again but only until December 31, 2024. The record therefore supports that claimant’s Nike work assignment was uncertain to continue and that if claimant had asked the employer to attempt to alter claimant’s duties or change teams, the employer would not have been able to do so because Nike would have been unreceptive to any change.

Thus, the record shows that claimant left work for a reason of such gravity that she had no reasonable alternative but to leave work when she did. Claimant therefore left work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

**DECISION:** Order No. 24-UI-274404 is set aside, as outlined above.

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

**DATE of Service:** January 3, 2025

**NOTE:** This decision reverses the ALJ’s order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

**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 stated above.** See ORS 657.282. For forms and

information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under “File a Petition for Judicial Review.” You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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 الإستئناف 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**  
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