

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0848**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On May 28, 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 April 14, 2024 (decision # L0004296411). Claimant filed a timely request for hearing. On November 14, 2024, ALJ Chiller conducted a hearing and on November 25, 2024, issued Order No. 24-UI-274582, affirming decision # L0004296411. On December 11, 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) Asante employed claimant, most recently as a senior project manager, from July 18, 2016, until April 18, 2024.

(2) The employer was a hospital system. In or around April 2022, the employer assigned claimant to manage an "ERP" project. Transcript at 10. The employer's chief financial officer (CFO) was the ultimate "stakeholder" of the project. Transcript at 11. Claimant reported directly to her manager on the project. The employer's senior vice president (VP) of operations was the highest-ranking officer in the line of employees to whom claimant reported, other than the CFO.

(3) The ERP project was high profile and demanding to manage. From the inception of the project until mid-March 2024, claimant had a manager who had helped claimant "navigate through" difficult situations with the project team. Transcript at 17. On one occasion during this period, when claimant's manager at the time was not present, a member of the project team yelled at claimant in a meeting, and

several other project team members noted that the team member's treatment of claimant was "uncalled for." Transcript at 17. Claimant continued managing the project after the incident. In mid-March 2024, claimant's manager at the time was promoted and a different employee, whom claimant had worked with for years, became claimant's manager. After her former manager's exit, claimant informed her new manager that the project was very stressful and she felt disrespected at times by the CFO. Following the assignment to the new manager, claimant thought the project became more difficult to manage and she did not enjoy her job as much.

(4) The ERP project was scheduled to "go live" on or about May 1, 2024. Audio Record at 19:19. Claimant had managed the project successfully for the preceding two years, and as of mid-April 2024, the project was on the verge of completion.

(5) On April 15, 2024, claimant noticed that her manager and the senior VP of operations had joined a meeting she led about the upcoming go live of the project. The manager and senior VP of operations had joined to support claimant, but their presence made claimant concerned that the CFO was dissatisfied with something. Claimant asked her manager if there was something that she needed to provide the CFO and the manager responded that there was not.

(6) On April 18, 2024, the employer's CFO sent claimant an email about the project. The email was written in a "strong tone" and asked a question that claimant perceived as accusing her of going "around [the CFO's] back" to ask the CFO's associates for additional resources for the project. Transcript at 32, 9. The CFO's email made claimant "very upset." Transcript at 25. Claimant forwarded the email and her response email to her manager and to the senior VP of operations.

(7) Claimant went to the manager's office, asked the manager to read the email, and stated that she could not continue to be treated the way the CFO had treated her in the email and "if it is going to continue then I'm really just done." Transcript at 11. Claimant asked the manager to call the senior VP of operations to the manager's office, the manager did so, and, shortly thereafter, the senior VP of operations joined the meeting. Claimant then asked the manager to read the CFO's email and claimant's response. The manager complied. After listening to the manager read the emails, the CFO turned to claimant and said, "[D]o you expect me to respond to that?" Transcript at 13. When the senior VP of operations said this, claimant "assumed" that the senior VP of operations was not open to addressing the email. Transcript at 26. Claimant responded, "I guess. I'm not sure what I expected." Transcript at 13.

(8) The senior VP of operations then asked, "[W]hen you say you're done does that mean that . . . you would be prepared for me to call H.R. and to request your final paycheck?" Transcript at 13. Claimant responded, "[I]f that's the only option I'm given, I guess then that would be the option I would prefer . . . if I have no other options." Transcript at 13. The senior VP of operations then informed claimant they would need it in writing. Claimant was handed a piece of paper on which she wrote, "[A]s of today I resign my position." Transcript at 14. The manager escorted claimant to her desk to gather her belongings and then to the building's exit. Claimant did not work for the employer again.

(9) The option claimant wished to be presented with was to gain "assurance on the project" that she "was managing it appropriately." Transcript at 19-20. Claimant thought this could be accomplished by meeting with the manager, the senior VP of operations, and the CFO to "have a discussion about what was missing[]" and to "talk[] through things and ma[k]e sure [they] were on the path for the delivery [of

the project] to the comfort of the CFO.” Transcript at 20, 22. However, claimant did not ask to have such a discussion. If she had, the manager, senior VP of operations, and CFO would have been available for a conversation on the status of the project and the CFO’s comfort level.

(10) As of the date claimant’s employment ended, she was required to report to the CFO for only about two more weeks. Upon the ERP project going live on or about May 1, 2024, claimant would not report to the CFO for anything.

(11) Although uncommon, if claimant had requested being taken off the ERP project at the time of her work separation, doing so was an option the employer would have considered.

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

**Nature of the Work Separation.** If the employee could have continued to work for the same employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If the employee is willing to continue to work for the same employer for an additional period of time but is not allowed to do so by the employer, the separation is a discharge. OAR 471-030-0038(2)(b).

The record shows that the work separation was a voluntary leaving. Although claimant and the employer’s accounts differ regarding some details related to what claimant said during the final meeting on April 18, 2024, even accepting the facts as claimant testified, the work separation is a voluntary leaving. The parties agree that on April 18, 2024, claimant entered the manager’s office upset after receiving an email from the CFO that the claimant perceived was disrespectful to her and that she asked that the senior VP of operations join the meeting. According to the claimant, she informed the manager that she could not continue to be treated the way the CFO was treating her and told the manager “if it is going to continue then I’m really just done,” that she had been working on the project for two years, and “I’m really done and I don’t deserve this treatment.” Transcript at 11, 24.

Though claimant expressed that her being “done” was conditioned upon whether she continued to be treated the way the CFO’s email had treated her, her choice of words shows that she intended to resign if the CFO’s treatment of her was not resolved to her satisfaction. After the senior VP of operations joined the meeting and became aware of the contents of the email the CFO sent claimant, claimant testified that when the senior VP of operations asked, “[D]o you expect me to respond to that?”, claimant assumed the senior VP of operations would not be receptive to addressing the CFO’s email, and thus would not address the issue claimant had made her continued employment dependent upon. Transcript at 13.

From there, when the senior VP of operations asked, “[W]hen you say you’re done does that mean that . . . you would be prepared for me to call H.R. and to request your final paycheck?”, the question logically called for claimant to respond in the negative, and raise her desire to continue working and have further discussion. Claimant answered in the affirmative, stating “if that’s the only option I’m given, I guess then that would be the option I would prefer if I-if I had no-if I have no other options.” The option claimant wanted to be presented with was to have a discussion with the manager, senior VP of operations, and CFO on the status of the project and the CFO’s comfort level. Transcript at 20, 22. Claimant did not ask to have such a discussion. If she had, it would have been available. Transcript at

37. Instead, claimant authorized her final paycheck to be requested, consistent with her prior testimony that she was going to be “done” working for the employer if her treatment by the CFO was not resolved.

After claimant responded to the VP of operations that she was prepared for her to call H.R. and have her final check issued, she tendered her resignation at the employer’s request, in writing, stating “[A]s of today I resign my position.” Transcript at 14. If claimant desired to continue working for the employer, she could have declined to provide the resignation statement. At hearing, claimant suggested she was forced to resign, asserting that she had “no choice” but to write, “I resign my position[.]” Transcript at 25. Regardless of whether that was motivated by a perception that the employer was offering her no options to address her concerns, claimant’s act of authorizing her final paycheck further shows that claimant was unwilling to continue to work for the employer. Claimant’s subjective view that she had “no choice” does not make the work separation a discharge. By all accounts, the employer was pleased with claimant’s performance and the record is devoid of any evidence of the employer ever telling claimant that they would discharge her or implying that they would not allow her to continue to work.

In sum, it is undisputed that claimant initiated the meeting on April 18, 2024, did not want to continue working for the employer if the situation with the CFO was not resolved to her satisfaction, authorized the senior VP of operations to request her final paycheck, and tendered a resignation note. For these reasons, the record shows that, on April 18, 2024, claimant was unwilling to continue to work for the employer for an additional period of time. Accordingly, claimant’s work separation was a voluntary leaving that occurred on April 18, 2024.

**Voluntary Leaving.** 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). “[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 left work without good cause. Claimant failed to meet her burden to show that she left work for a reason of such gravity that she had no reasonable alternative but to leave work when she did.

To the extent claimant quit working for the employer because of the CFO’s treatment of claimant in her email, or because of the CFO’s alleged disrespectful treatment of claimant generally, claimant, who at the time she quit had only about two more weeks before she would not report to the CFO anymore, did not establish that her situation was grave. The CFO’s email was not offered as an exhibit by either party at hearing, and neither party read its contents into the record nor described in concrete terms what it said. Rather, claimant characterized the email as “accusatory” and that it asserted claimant had gone “around [the CFO’s] back” to ask the CFO’s associates for additional resources for the ERP project. Transcript at 7, 9. The manager testified the email was strongly worded, and would have been better as a conversation, but was not inappropriate. Transcript at 33. Based on these descriptions, the record fails to

show that no reasonable and prudent person would have continued to work for their employer based on being sent the CFO's email.

Claimant also testified the email was merely "representative of some of the things that were happening in terms of treatment during the project." Transcript at 9. The manager, who was the employer's witness at hearing, testified generally that after she became claimant's manager, claimant had mentioned to her that she felt disrespected by the CFO. Transcript at 36. Nevertheless, given that claimant did not offer any examples of being treated with disrespect by the CFO, other than the email, claimant did not meet her burden to prove that the CFO's treatment presented her with a situation of gravity.

Furthermore, even if the CFO's treatment of claimant was grave, claimant had the reasonable alternative of requesting a discussion with the manager, the senior VP of operations, and the CFO to "ma[k]e sure [they] were on the path for the delivery [of the project] to the comfort of the CFO." Transcript at 22. Claimant did not ask to have such a discussion. If she had, the manager, senior VP of operations, and CFO would have been available for such a conversation. In the course of having such a discussion, claimant would have had the ability to bring up the CFO's email and other treatment claimant regarded as disrespectful. Additionally, although uncommon, if claimant had requested being taken off the ERP project, doing so was an option the employer would have considered.

Next, claimant also failed to show she faced a grave situation to the extent she quit working for the employer because of the stress resulting from her work on the ERP project. The ERP project was high profile, demanding to manage, and caused claimant a great deal of stress. While demanding work projects for large organizations commonly induce high levels of stress, the record supports that claimant had managed the demands of the project successfully and to the verge of completion. As of when claimant quit work, she had managed the ERP project for approximately two years and was only about two weeks away from the project's completion. On an occasion at some point during claimant's two-year management of the project, a member of the project team yelled at claimant in a meeting, and that behavior was noted by other team members as being uncalled for. However, despite this incident, claimant continued to manage the project, suggesting claimant could tolerate occasional rude treatment or the stress caused by the untoward behavior of team members.

In mid-March 2024, claimant's former manager, who had previously helped claimant navigate difficult situations with the project team, was replaced. Claimant found that the project became more stressful thereafter. However, claimant did not assert that this increased stress was beyond her capacity to manage, noting at hearing that the stress simply became a "little bit more heightened." Transcript at 22. Nor did claimant offer examples of how the stress affected her adversely such to present her with a grave situation. At hearing, claimant stated that after her former manager was promoted and she was assigned the new manager, claimant "didn't enjoy [her] job as much" but "you do what you have to do." Transcript at 23. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work based on the stress claimant experienced at the time of her work separation.

For these reasons, claimant voluntarily quit work without good cause. Claimant therefore is disqualified from receiving unemployment insurance benefits effective April 14, 2024.

**DECISION:** Order No. 24-UI-274582 is affirmed.

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

**DATE of Service: January 15, 2025**

**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 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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