

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0849**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On August 1, 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 June 16, 2024 (decision # L0005487728).<sup>1</sup> Claimant filed a timely request for hearing. On November 18, 2024, ALJ Ensign conducted a hearing, and on November 25, 2024, issued Order No. 24-UI-274646, affirming decision # L0005487728. On December 14, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Neuromusculoskeletal Center of the Cascades, PC employed claimant as a financial services representative from May 13, 2024, through June 16, 2024.

(2) On June 13, 2024, claimant's department was short-staffed because claimant's coworker had left early. Claimant was therefore the only person in her department available to answer two separate phone lines that day, and claimant had some difficulty in keeping up with phone calls as a result.

(3) After doing her best to manage the phone lines for some time, claimant took a short break at the time her trainer had advised her to take it. During her break, claimant used the restroom. While she was in the restroom, claimant overheard her supervisor state to another new employee that "she knew that [the other employee] was answering phone calls, but we know who isn't answering phone calls." Transcript at 6. The supervisor also suggested to the other employee that the latter was "fine and safe in her role" but that "others weren't." Transcript at 6-7. Claimant understood the supervisor to be referring to claimant during this conversation. She therefore believed that the supervisor had been criticizing claimant's work performance and had suggested that claimant's job security was at risk.

<sup>1</sup> Decision # L0005487728 stated that claimant was denied benefits from June 16, 2024, to June 14, 2025. However, decision # L0005487728 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 16, 2024, and until she earned four times her weekly benefit amount. See ORS 657.176.

(4) Claimant returned approximately five minutes late from her break because she had been experiencing some stomach upset. After she returned, claimant received multiple emails from her supervisor over the course of about an hour, asking claimant why she was not answering the phones as quickly as the supervisor felt she should, and raising concerns about the timing and length of claimant's break. Claimant responded by explaining that she took her break as directed by her trainer, that she had not been feeling well, and that she had been trying to answer the incoming calls as best as she could. Some time later, the supervisor emailed claimant again, asking claimant if the supervisor "need[ed] to put out any fires[.]" Transcript at 9. Claimant again responded by explaining that she had been trying her best.

(5) Claimant found the interactions with her supervisor that day to be "very overwhelming and very stressful," and "like there was no respect." Transcript at 9. As a result, claimant determined that she was no longer comfortable working with the supervisor.

(6) On June 14, 2024, claimant called out from work. That day, she also spoke to the employer's human resources (HR) department to "express... concerns about what had gone on" the prior day. Transcript at 11. During the discussion, claimant asked if she could transfer to a different team so that she would no longer have to work with her supervisor. The HR department responded by asking claimant to meet with them on the following Monday, June 17, 2024, which claimant agreed to.

(7) On June 16, 2024, claimant contacted the HR department to let them know that while she was interested in other opportunities with the employer, she was resigning from her current role because she did not want to continue working with her supervisor. The HR department then cancelled the meeting planned for the following day because claimant had quit without notice.

**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 she had become uncomfortable working with her supervisor after the latter had seemingly spoken negatively about claimant to another coworker, and then sent claimant a series of critical emails. At hearing, claimant described these interactions as "very overwhelming and very stressful," and "like there was no respect." Transcript at 9. Claimant also suggested that the stress of the interactions made her "sick to [her] stomach." Transcript at 10. Claimant has not shown that this was a situation of such gravity that she had no reasonable alternative but to quit.

Claimant's objection to her supervisor's demeanor is understandable. Claimant was new in the position, and the supervisor's repeated criticism of claimant's inability to keep up with a workload apparently

meant for two people was, at best, an insensitive way to handle her concerns. However, a reasonable and prudent person would not conclude that they had no reasonable alternative but to leave work merely because they were uncomfortable with insensitive behavior such as this.

Further, claimant had reasonable alternatives to quitting that she did not pursue. Claimant had a meeting scheduled with the HR department for June 17, 2024, the day after she resigned. That meeting was set to discuss claimant's discomfort with working with her supervisor, and the possibility of being transferred to a different team. Attending that meeting might have allowed claimant to either find a resolution to her discomfort with her supervisor, for instance by way of a mediation, or allowed claimant to transfer to a different position as she had hoped. Likewise, claimant could have attempted to raise her concerns directly with the supervisor, but did not do so. As claimant did not attempt either of these, she did not pursue reasonable alternatives available to her.

For the above reasons, claimant did not quit for a reason of such gravity that she had no reasonable alternative but to quit. Claimant therefore voluntarily quit work without good cause, and is disqualified from receiving unemployment insurance benefits effective June 16, 2024.

**DECISION:** Order No. 24-UI-274646 is affirmed.

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

**DATE of Service:** January 14, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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