

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0016

Reversed
No Disqualification

PROCEDURAL HISTORY: On October 17, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective September 15, 2024 (decision # L0006658884).¹ Claimant filed a timely request for hearing. On December 18, 2024, ALJ Contreras conducted a hearing, and on December 24, 2024 issued Order No. 24-UI-277924, affirming decision # L0006658884. On January 7, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information, a witness statement from his former supervisor, that was not part of the hearing record. Claimant asserted that he was unable to provide the information at hearing because the witness "had relocated to Montana and was not immediately accessible. It took significant time and effort to locate and obtain her assistance[.]" Claimant's Written Argument at 3. However, the information was not material to EAB's determination, as discussed below, that claimant quit working for the employer with good cause. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB did not consider the information. EAB considered only information received into evidence at the hearing, and claimant's argument to the extent it was based on the hearing record.

FINDINGS OF FACT: (1) AllCare Management Services, LLC employed claimant from July 5, 2022 until September 16, 2024.

(2) Claimant was hired as a community healthcare worker earning \$19 per hour. On February 13, 2023, claimant was promoted and received a wage increase to \$20 per hour. On March 12, 2023, claimant received a "market adjustment" to his wage, increasing it to \$23 per hour. Transcript at 33. On July 17,

¹ Decision # L0006658884 stated that claimant was denied benefits from September 15, 2024 to September 13, 2025. However, decision # L0006658884 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 15, 2024 and until he earned four times his weekly benefit amount. See ORS 657.176.

2023, claimant was promoted and received a cost-of-living adjustment, increasing his wage to \$25 per hour. On January 28, 2024, claimant was promoted to the position of quality outcomes specialist with a wage of \$27 per hour. Claimant did not receive any further promotions or pay increases.

(3) On April 26, 2024, the employer's quality coordinator separated from employment. Thereafter, in addition to their regular duties, claimant and another employee divided the responsibilities of the quality coordinator position. The responsibilities assumed by claimant included some that he felt were supervisory in nature or beyond the scope of his training and education. The job description for claimant's position of quality outcomes specialist stated, "This position does not have any supervisory responsibilities." Exhibit 1 at 2.

(4) On April 30, 2024, claimant's supervisor, the employer's day center director, "assured" claimant that he would receive a \$15 per hour pay increase to compensate for his additional job responsibilities. Transcript at 31. On May 2, 2024, the supervisor told claimant, without further explanation, that the increase would instead be \$7.50 per hour. The supervisor had not discussed with, or gotten approval from, the employer for these pay increases. On June 13, 2024, claimant asked his supervisor for an update on the pay increase, but did not get any additional information. Claimant did not discuss these assurances of a pay increase with other members of management prior to his resignation. The employer was considering promoting claimant to the quality coordinator position after it became vacant.

(5) One of claimant's responsibilities after April 2024 was to "sign off on medical orders" for medical devices or care, "such as hospice." Transcript at 14. Claimant believed that performing this task was "well beyond [his] expertise" and made him feel "pretty uncomfortable." Transcript at 14. The employer believed that this task did not require any medical knowledge or training.

(6) On June 28, 2024, claimant discussed concerns about his "work overload and. . . other grievances" with the employer's clinic director, who supervised the day center director. Transcript at 19. One of claimant's complaints involved an employee who would "continually disrupt the morning meetings," which the clinic director said she would address. Transcript at 25. The employer did not address this issue and the employee's behavior continued. Claimant was "stressing out" from the amount and difficulty of the work assigned, particularly the work beyond the description of the quality outcomes specialist position he held. Transcript at 29. At that time, claimant requested to use accrued paid leave for an 18-day period in August 2024, which the employer granted with the understanding that claimant was taking it due to stress.

(7) In July 2024, the employer told claimant that he did not qualify for promotion to the quality coordinator position because it required a bachelor's degree, which claimant had not attained.

(8) On July 11, 2024, claimant's supervisor, the day center director, separated from employment. Claimant was assigned some duties of that position while it was vacant, in addition to the responsibilities he already had.

(9) Also in July 2024, the employer asked staff, including claimant, to volunteer for overtime. Claimant "[came] in on a weekend or two" in response to that request, and "had been doing overtime for months prior." Transcript at 47. The employer paid claimant overtime wages in accordance with applicable law.

(10) By August 28, 2024, claimant had resumed working after his paid leave. Claimant was conducting a meeting that day with staff members he supervised and was interrupted by the clinic director to assist in another meeting that she was attending. Claimant felt that her “disrupt[ing]” his meeting was “unprofessional and just not respectful of [him] or [his] time.” Transcript at 20-21.

(11) Later that day, claimant had a discussion with the clinic director and another member of management. They told claimant that he could not be considered for the vacant day center director position because it also required a bachelor’s degree. Claimant went home and decided that he “wasn’t getting treated well” and should therefore quit work. Transcript at 21. Claimant felt that the additional work responsibilities for which he was not receiving increased pay were affecting his relationship with his fiancé, causing him to be “distracted and not present, . . . irritable, and moody, . . . exhausted and frustrated,” and to experience “a lot of anxiety and some depression.” Transcript at 49.

(12) On approximately September 2, 2024, claimant gave written notice to the employer of his intent to resign, effective September 16, 2024. In the resignation letter, claimant cited as reasons for quitting his “mental well being and. . . morale,” the “considerable responsibilities [added] to [his] workload” for which he had “not been adequately compensated,” particularly following the departures of the quality coordinator and day center director, and the failure to receive the pay increases promised by the day center director in April 2024. Transcript at 31-32.

(13) The employer regularly conducted performance reviews and made corresponding pay adjustments in August and September of each year. The former day center director conducted 2024 performance reviews of her staff, including claimant, prior to her July 2024 work separation. The employer considered these reviews invalid due to being conducted too early, and the employer therefore intended to redo them during the customary timeframe and make the corresponding pay adjustments thereafter. Claimant did not understand that this was the employer’s intention and thought that his performance review had already been finalized for the year without a pay adjustment. After receiving notice of claimant’s resignation, the employer decided not to redo claimant’s performance review.

(14) After receiving notice of claimant’s resignation, claimant’s supervisor asked if there was anything they could do to persuade claimant to stay. Claimant believed that the employer suggested a “pay increase or something of that nature,” to which claimant replied, “[A]bsolutely.” Transcript at 48. The employer did not offer claimant a pay increase and was not prepared to make any other changes to his employment. Claimant did not work for the employer after September 16, 2024.

CONCLUSIONS AND REASONS: Claimant 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).

Claimant quit working for the employer because his mental health and home life were affected by his workload, because the employer required him to perform duties of two higher-paying job positions in addition to his own, while paying him only the wage of his position, and because he felt mistreated by being required to do some of the work of higher-paying positions that the employer deemed he was educationally unqualified to hold. The order under review concluded that claimant “ultimately resigned because he was dissatisfied with his pay rate,” and that this reason alone did not constitute a grave situation. Order No. 24-UI-277924 at 3. The record does not support that this was claimant’s sole reason for quitting, but shows that a combination of reasons caused claimant to quit work, and that he did so with good cause.

After receiving notice of claimant’s resignation, the employer asked claimant if they could do anything to get him to remain in their employ. Claimant testified that the employer suggested a pay increase, which claimant would have considered, while the employer’s witness testified that claimant “declined just due to the stress levels.” Transcript at 39, 48. Even if claimant had been willing to consider rescinding notice of his resignation for a pay increase, it can reasonably be inferred that doing so would have been part of a larger discussion regarding which job duties he was qualified to perform and capable of performing, and which would not unreasonably affect his mental health and home life, and adjusting his workload accordingly. Therefore, claimant resigned due to concerns over his workload, a component of which was not receiving commensurate pay.

The employer did not rebut claimant’s testimony that, following the departures of the quality coordinator and day center director, he was given responsibilities beyond those required of the position he held. The employer also did not rebut claimant’s testimony that his then-supervisor told him in April 2024 that his pay would increase substantially to compensate for taking on the additional work, maintaining only that the employer was unaware that the supervisor had made those statements until receiving claimant’s resignation letter. Transcript at 31, 35. Claimant’s pay was not increased after January 2024. Claimant’s increased workload caused him to “consistently” arrive early and stay late at work, and otherwise work overtime for “several months.” Transcript at 19. While the employer considered this overtime voluntary and paid claimant for it, claimant felt that he had no choice but to work those hours to fulfill the responsibilities of his position and his portion of the responsibilities of the vacant positions.

Further, claimant’s extra responsibilities included “signing off” on approvals for medical devices and medical care, up to and including hospice care, which made claimant uncomfortable and stressed because he felt he lacked the qualifications to make decisions about such approvals. The employer’s witness asserted that signing these “administration orders” did not require any medical training. Transcript at 42. However, that this responsibility was typically delegated to a position that the employer deemed claimant unqualified to hold because he did not have a bachelor’s degree suggests that some level of decision making was required, and that claimant lacked the training or knowledge to appropriately make those decisions. Claimant understandably felt that these decisions involved matters of great importance to patients’ health, and he suffered significant stress by being responsible for performing this task.

Additionally, claimant believed that the employer mistreated him by denying him consideration for promotion to either of the vacant positions whose duties he was performing in addition to his own, or a pay increase commensurate with those duties, by citing his lack of a bachelor’s degree. That claimant

performed the assigned duties despite the lack of a degree supports the reasonableness of claimant's feelings of mistreatment. Considering the combination of factors leading to claimant's stress and feelings of unfair treatment by the employer, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work under the circumstances. Accordingly, claimant faced a grave situation.

Moreover, claimant had no reasonable alternative to quitting work. Claimant had several discussions from April 2024 through August 2024 regarding his stress levels from the additional work duties, consistent overtime work, and feelings of mistreatment regarding pay and denial of promotions. Claimant took an 18-day period of accrued leave in August 2024, which both parties understood at the time was due to his feelings of excessive stress. After this leave, claimant returned to the same working conditions, from which it can be inferred that additional leave would not have been a reasonable alternative. The record does not suggest that the employer planned to imminently fill the vacant positions or otherwise reassign the duties associated with them to someone other than claimant. While the employer planned to assess claimant's performance in September 2024 had he not given notice of his intent to resign, and potentially increase his pay as a result, claimant was unaware of the employer's plans in this regard, and they likely would not have resolved the grave situation claimant faced regarding his workload and its affect on his mental health and home life. Therefore, claimant had no reasonable alternative to leaving, and had good cause to quit work.

For these reasons, claimant quit work with good cause and is not disqualified from receiving unemployment insurance benefits as a result of the work separation.

DECISION: Order No. 24-UI-277924 is set aside, as outlined above.

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

DATE of Service: February 10, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.