

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0170**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On October 21, 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 June 30, 2024 (decision # L0006647057).<sup>1</sup> Claimant filed a timely request for hearing. On February 20, and March 6 and 7, 2025, ALJ Chiller conducted a hearing, and on March 12, 2025, issued Order No. 25-UI-285757, affirming decision # L0006647057. On March 15, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB did not consider claimant's written argument because she did not state that she provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**FINDINGS OF FACT:** (1) Western Oregon University employed claimant, most recently as a web design specialist, from December 22, 2022, to June 30, 2024.

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<sup>1</sup> Decision # L0006647057 stated that claimant was denied benefits from June 30, 2024 to September 13, 2025. However, decision # L0006647057 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 30, 2024 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(2) During claimant's employment, claimant was treated for depression, anxiety, panic attacks, sleep apnea, and attention deficit hyperactivity disorder (ADHD).<sup>2</sup>

(3) Over the course of her employment, claimant had discordant relationships with some co-workers, human resources staff, each of her successive supervisors, and others. The employer was generally satisfied with claimant's technical abilities and work product, but often found her interactions with others to "lack professionalism through emotionally charged and inflammatory language" and "display[ing] intimidating written communications." Exhibit 1 at 1.

(4) Claimant made numerous complaints to the employer's human resources department during her employment, often about her supervisors. For various reasons, claimant had "suspicion and mistrust" of the person who had supervised her from hire until August 1, 2023, and made complaints about him during that time. March 7, 2025, Transcript at 25.

(5) After August 1, 2023, claimant had an increasingly contentious relationship with her new supervisor, who served in that role for the rest of claimant's employment. Complaints against that supervisor included limiting claimant's access to communication with others, making claimant feel ignored or "talked over" at meetings, and failing to immediately grant claimant's request to have tasks or directives communicated to her in writing. March 7, 2025, Transcript at 16.

(6) Over the course of her employment, claimant made several formal and informal requests for accommodations due to her medical conditions. These requests included a blue light filter for computer screens, a flexible work schedule, fully remote work, and to receive notice of any task or directive in written form. The blue light filter was provided eight months after it was requested, claimant's requests for fully remote work and to work at times of her choosing were not fully granted, and the request to receive notice of any task or directive in written form was still pending at the time claimant quit. Claimant was dissatisfied with the employer's handling of these requests, including the employer requiring her to provide documentation to support the requests, and the length of time it took them to respond.

(7) In addition to making complaints against her supervisors to the human resources department, claimant made other complaints involving conflicts with coworkers, a human resources representative not addressing her requests or complaints on various issues to claimant's satisfaction, and claimant's belief that male coworkers were required to work fewer hours than her or were paid more than they deserved compared to claimant.<sup>3</sup> Claimant ultimately directed her complaint regarding the human resources representative to the university's president, and directed the complaint regarding disparate treatment on the basis of sex to the Bureau of Labor and Industries (BOLI).<sup>4</sup> BOLI concluded that the complaint was unsubstantiated.

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<sup>2</sup> Claimant also asserted to her treating physician that the results of a self-administered assessment indicated she had autism and requested formal testing. On May 21, 2024, the physician replied that, regarding this condition, "self-diagnosis is typically accepted," and implied that a "clinical need" for further diagnostic testing was not present. Exhibit 30 at 2.

<sup>3</sup> The record failed to show that any employee performing the same work as claimant was paid more than her or was expected to work fewer hours than her for the same pay. *See* March 6, 2025 Transcript at 6, 50-51.

(8) Claimant felt that her medical conditions had been “well managed” by medication until November 2023. February 20, 2025, Transcript at 30. At that point, claimant believed that her health was “deteriorating,” in that her “depression was severely worsening,” and her provider therefore “increased [her] dosages, changed [her] medication, and signed [her] up for more experimental treatments as it had become so bad [she] could not shower. February 20, 2025, Transcript at 30. Claimant additionally gained 30 pounds around this time and developed sleep apnea. Claimant attributed her worsening health to workplace stress and conflict.

(9) At some point during claimant’s employment, likely around November 2023, a friend with whom claimant cohabitated called the employer’s human resources department without claimant’s prompting, and reported his concerns about claimant’s “deteriorating” mental health. March 6, 2025, Transcript at 16. This report mentioned claimant’s “crying fits, the depression, [and] eating habits.” March 6, 2025, Transcript at 16. The friend also observed that claimant “stopped doing all of the things that she loved because she just couldn’t bring herself to do it because she was so upset and stressed out all the time.” March 6, 2025, Transcript at 22.

(10) On January 29, 2024, the employer placed claimant on a performance improvement plan (PIP). The PIP cited an instance of claimant explicitly refusing to follow a supervisor’s directive, another instance of using “inflammatory and threatening language to [her] supervisor,” several instances of claimant missing or being significantly late for meetings, and failing to use “correct channels of communication” when making complaints to the employer. Exhibit 2 at 1-3.

(11) As part of the PIP, claimant was directed not to contact the employer’s human resources department without attempting to first resolve the issue with her supervisor and that supervisor’s supervisor. Though not specifically stated in the PIP, claimant was also directed not to contact or arrange meetings with most other vendors, employees, or supervisors in other departments, and that claimant’s supervisor was to act as a go-between when claimant believed such communications were necessary. As a result of these directives, claimant had feelings of “increasing and worsening isolation,” and that she “had no resources to communicate about any mistreatment.” February 20, 2025, Transcript at 29. Claimant attributed these circumstances to a continued deterioration in her health.

(12) On March 16, 2024, claimant began a two-week leave of absence on the advice of her psychiatrist, due to “post-traumatic work-related stress.” February 20, 2025, Transcript at 31. Upon her return, claimant experienced worsening symptoms, including “panic attacks” that occurred “one an hour before almost every meeting.” March 7, 2025, Transcript at 44. Despite “more escalated treatments” for her conditions, claimant felt that she had “lower productivity” in April 2024 than at any prior time in her employment. February 20, 2025, Transcript at 32-33.

(13) On May 15, 2024, claimant’s supervisor wrote a letter to claimant acknowledging “the progress [claimant had] made in addressing the concerns outlined in the [PIP].” Exhibit 4 at 1. The letter further stated, “It is imperative that you continue to demonstrate consistent adherence to policies and expectations moving forward. Any regression to previous behaviors will not be tolerated. . . [and] may result in further disciplinary action, up to and including termination of employment.” Exhibit 4 at 1.

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<sup>4</sup> At least one complaint predated the employment relationship, with claimant contacting the university president to complain that her pre-employment background check was taking too long, and about the competence of the human resources representative handling that process. *See* March 7, 2025, Transcript at 20, 26.

(14) In May 2024, in light of claimant's longstanding difficulties in working with her supervisor, the employer's human resources department decided to assign claimant a different supervisor, effective June 1, 2024. The new supervisor was better versed in the technical aspects of claimant's work, and it was hoped that claimant would be better able to communicate with her and come to see her as a "good mentor." March 7, 2025, Transcript at 13.

(15) On May 24, 2024, claimant had an initial meeting with her soon-to-be new supervisor, who at that time was acting as claimant's supervisor while the outgoing supervisor was on vacation. During the meeting, claimant asked about a request that had been pending for approximately three months to have all tasks or directives submitted to her in writing. The new supervisor replied that claimant would have to submit a formal accommodation request with appropriate documentation from a medical provider. Upset, claimant replied, "[T]he way you are managing me is not helpful." February 20, 2025, Transcript at 21. The supervisor responded, "My son has ADHD and he thrives in this environment." Claimant was offended at what she perceived was the supervisor likening her to a child.

(16) The new supervisor also told claimant regarding the website she was working on that claimant was not to turn on or off "plug-ins," an element of the website design, without permission. February 20, 2025, Transcript at 20. Claimant believed that asking permission for this task was unnecessary and requiring it implicitly questioned claimant's competence. Claimant "started crying at the thought of it" and believed it "was so embarrassing and stressful. . . that if [claimant] stayed in that environment any longer it would damage [her] confidence irreparably and lead to excessive humiliation." February 20, 2025, Transcript at 20. Following the meeting, claimant complained to human resources about these issues.

(17) Later on May 24, 2024, claimant emailed the employer notice of her intent to resign, effective June 30, 2024. While the "plug-ins" directive was a "deciding factor" in claimant's decision to give notice of her resignation when she did, it was one of many stressors and circumstances motivating that decision, without which claimant would not have resigned at that time. February 20, 2025, Transcript at 19.

(18) The employer accepted claimant's resignation, and on May 30, 2024, a human resources representative met with claimant to discuss it. At that meeting, claimant was informed that she was being placed on paid administrative leave through the end of her notice period and that her access to most of the employer's resources had been curtailed. The leave period ended on June 30, 2024, and claimant did not work for the employer thereafter.

**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 had depression, anxiety, sleep apnea, and ADHD, which are permanent or long-term "physical or mental impairment[s]" as defined at 29 CFR §1630.2(h). A claimant with an impairment who quits

work must show that no reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would have continued to work for their employer for an additional period of time.

The order under review concluded that claimant quit work “based on concerns that her new supervisor was micromanaging her, her employer would not approve her requests for reasonable accommodations for her ADHD and was requiring her to submit formal requests for accommodations that she believed should be granted without a formal request process, concerns regarding disparate treatment as compared to other employees, and restrictions on her ability to communicate with other employees and/or the human resources department without including her supervisor on communications,” which collectively did not constitute a grave situation. Order No. 25-UI-285757 at 1-4. The record does not support this conclusion, but instead shows that claimant had additional reasons for quitting work that, in combination, constituted a grave situation.

Claimant testified that her May 24, 2024, interaction with the person slated to become her supervisor on June 1, 2024, and specifically her directive that claimant get permission to turn on or off “plug-ins,” was the “deciding factor” in her decision to resign. February 20, 2025, Transcript at 19. However, it can reasonably be inferred that this was not claimant’s sole reason for quitting, but one of many factors, and an exacerbation of many long-standing issues. The record shows that almost from the start of her employment, claimant had difficulty maintaining standard work relationships, communicating with others, responding appropriately to supervision, and coping with elements of the workplace that she did not like. In many respects, claimant felt that the employer mistreated her and failed to respond adequately to her complaints of mistreatment. These circumstances led to deterioration in claimant’s medical conditions, particularly to her mental health. These circumstances collectively motivated claimant to quit work.

As a preliminary matter, it is unnecessary here to determine whether the record objectively demonstrates a pattern of disparate or unfair treatment of claimant by the employer. There is ample evidence to show that claimant earnestly believed that she was the subject of persistent mistreatment throughout her employment. Regardless of whether that belief was supported by objective evidence, claimant’s perception of mistreatment greatly affected her daily life since at least November 2023, severely impacted her health, and impeded her ability to succeed in the job. Claimant’s contentious relationships with each successive supervisor likely had the greatest impact in these areas. Claimant testified that for much of her life, her mental health conditions were “well managed” by medication, until November 2023. February 20, 2025, Transcript at 30. The record shows a precipitous decline thereafter, which was reasonably attributable to claimant’s perception of her treatment at work.

Claimant testified that beginning in November 2023, her health was “deteriorating,” her depression was “severely worsening,” and that she therefore sought additional and more aggressive treatment of her symptoms. February 20, 2025, Transcript at 30. Claimant also was experiencing anxiety, an increasing number of panic attacks, weight gain, sleep disruption, difficulty maintaining personal hygiene, and “crying fits.” March 6, 2025, Transcript at 16. A friend who lived with claimant was so concerned about claimant’s mental health that he contacted the employer’s human resources department on his own, after noting claimant’s lack of interest in doing anything outside of work “because she was so upset and stressed out all the time.” March 6, 2025, Transcript at 22. During this period, claimant’s work performance suffered in many respects, resulting in the issuance of a PIP on January 29, 2024.

On March 16, 2024, claimant began a two-week period of leave at the suggestion of her psychiatrist due to “post-traumatic work-related stress.” February 20, 2025, Transcript at 31. Upon her return, the frequency of claimant’s panic attacks had increased to “one an hour before almost every meeting.” March 7, 2025, Transcript at 44. Claimant underwent “more escalated treatments” in response, but felt that she had “lower productivity” in April 2024 than at any other period. February 20, 2025, Transcript at 32-33. On May 24, 2024, claimant first met with the person who was to become her new supervisor, and was immediately offended and upset by things the new supervisor said, causing claimant to cry. Claimant believed at that time that she could no longer work for the employer without embarrassment, stress, and “excessive humiliation.” February 20, 2025, Transcript at 20.

It is reasonable to infer from these events that claimant’s relationship with the new supervisor would, more likely than not, have been at least as contentious as with her past supervisors, and would have continued to exacerbate claimant’s medical conditions. Under these circumstances, no reasonable and prudent person with the characteristics and qualities of an individual with impairments such as claimant’s would have continued to work for their employer for an additional period of time. Claimant therefore faced a grave situation.

Furthermore, claimant had no reasonable alternative to leaving work. Beginning on January 29, 2024, the employer subjected claimant’s ability to submit further complaints to the human resources department to a screening process, presumably based on how they viewed the frequency and merit of her complaints up to that point in time. The complaints had been largely ineffective in curbing claimant’s perceptions of mistreatment and worsening mental health symptoms, and instituting the screening process suggested that the employer would be even less receptive to her complaints going forward. It can also be inferred from claimant’s progressively worsening relationships with each successive supervisor that there was little that could be done, either by claimant or the employer, to establish working conditions under which claimant could consistently meet the employer’s expectations without negative impacts to her health. Moreover, claimant sought increasingly aggressive medical treatment starting in November 2023 and took a leave of absence in March 2024, without significant improvement in her medical condition. Therefore, the record does not show that claimant had any reasonable alternatives to leaving work. Accordingly, claimant quit work with good cause.

For these reasons, claimant quit work with good cause and is not disqualified from receiving benefits based on the work separation.

**DECISION:** Order No. 25-UI-285757 is set aside, as outlined above.

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

**DATE of Service:** April 16, 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 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**

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