

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0173

Reversed
No Disqualification

PROCEDURAL HISTORY: On October 15, 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 September 22, 2024, through September 20, 2025 (decision # L0006599081). Claimant filed a timely request for hearing. On February 19, 2025, ALJ Goodrich conducted a hearing at which the employer failed to appear, and on February 27, 2025, issued Order No. 25-UI-284425, modifying decision # L0006599081 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective July 28, 2024. On March 15, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Gray Media Group, Inc. employed claimant as a television producer on one of their local television programs from January 2023 through August 2, 2024.

(2) At some point prior to the start of his employment, claimant was diagnosed with anxiety and depression. Claimant took medications to help manage the symptoms of those conditions.

(3) Besides claimant, only two other employees—claimant’s part-time associate producer and the show’s host—worked on the show that claimant produced. The assistant only helped claimant for about three hours per week, and the host contributed little to the production effort. As such, claimant was responsible for nearly all of the production aspects of the one-hour show, including booking guests, writing the script, and filming and editing the show. This resulted in claimant typically working more than 50 hours per week.

(4) Additionally, claimant never took a single day off, including for illness or personal reasons, during his tenure with the employer, as nobody else was available to cover his responsibilities in his absence. Claimant once requested a week off from the director of the news department, to whom claimant reported at the time. The director told claimant that to do so claimant would have to shoot two full

episodes of the show in one week, which would have required claimant to work approximately 100 hours in that week. Claimant declined to do so and did not take the time off.

(5) The stress of being almost solely responsible for all aspects of production of the show exacerbated claimant's anxiety and depression symptoms, and caused him to experience sleep difficulties. This stress also negatively impacted claimant's home life, as claimant would "bring [work] home" and act angrily around his child and spouse. Transcript at 22.

(6) Claimant spoke to the news director on multiple occasions about feeling overworked. Each time, the news director would tell claimant to "keep it up for a little bit" until he could find additional help for claimant. Transcript at 24. However, claimant never received any additional help with the production of the show. Later, a different director was assigned as claimant's supervisor, and claimant brought the same concerns to her. However, she never gave claimant any additional help either. Claimant also complained to the employer's human resources (HR) department several times about the fact that the show's host "was not even remotely pulling his weight," leaving additional work for claimant to do, but the HR department never took any action to address claimant's complaint. Transcript at 40.

(7) In February 2024, claimant applied for a different job with the employer, which would have allowed him to reduce his working hours and the stress that resulted from being overworked. However, the employer did not offer claimant the job. Claimant also unsuccessfully sought transfers to other positions within the company.

(8) Eventually, the effects of the stress of being overworked impacted claimant's mood to the point that his son asked him, "why are you angry all the time when you come home?" Transcript at 22. Additionally, claimant's spouse told him, "...you can't be bringing this shit home... you just come home and you're pissed off at everybody." Transcript at 22. These statements led claimant to realize that he could no longer continue working the amount of hours he was working. As such, on or around July 10, 2024, claimant gave the employer notice that he intended to quit, effective August 2, 2024.

(9) On August 2, 2024, claimant voluntarily quit work because of the negative effects he had been experiencing as a result of being overworked. Prior to quitting, claimant did not ask the employer if he could take time off of work to address these concerns, as he believed that they would not grant him that time. Claimant never disclosed his mental health diagnoses, or the exacerbation of their symptoms resulting from overwork, to the employer, as he wished to keep his diagnoses private and felt like he "wasn't being heard anyway." Transcript at 45.

CONCLUSIONS AND REASONS: Claimant voluntarily 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 anxiety and depression, permanent or long-term "physical or mental impairments" 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.

Claimant voluntarily quit work because he was overworked due to being responsible for nearly all aspects of the production of the television show he was working on, and the resulting stress exacerbated his mental health symptoms and strained his relationships with his spouse and child. The order under review correctly acknowledged that this was a grave situation. Order No. 25-UI-284425 at 4. However, the order under review also concluded that claimant quit without good cause because he failed to seek reasonable alternatives to quitting. In particular, the order under review concluded that informing the employer of his mental health conditions or the exacerbation thereof, so that they could “truly understand[] how bad claimant’s work situation had become,” and requesting time off of “to address his mental health” would have been reasonable alternatives to quitting. Order No. 25-UI-284425 at 4. The record does not support the conclusion that these were reasonable alternatives to quitting.

As to the suggestion that claimant should have disclosed to the employer his mental health conditions or the specific negative effects that being overworked was having on him, so that the employer could better understand claimant’s need for help, this would not have been a reasonable alternative to quitting. Claimant sought help in alleviating his workload on multiple occasions, from both of the supervisors assigned to him and the employer’s HR department. Whether or not claimant made clear to them that he was suffering from negative health and social effects of overwork, those effects are a natural and fairly predictable result of being overworked. Moreover, the employer had explained to claimant that there was a financial issue with getting claimant more help because they did not have a way to pay for it at that time. Transcript at 24. Thus, disclosing this information to the employer would, more likely than not, have made no difference, but would have instead been futile. Disclosing the seriousness of claimant’s circumstances therefore would not have been a reasonable alternative to quitting.

As to the suggestion that claimant should have requested time off to address his mental health, such as by taking a leave of absence, this also would not have been a reasonable alternative to quitting. First, the record shows that claimant’s prior attempt to request time off was largely unsuccessful, in that the employer would have required him to essentially complete two weeks’ worth of work in a single week in order to take off the following week. Even assuming that taking time off of work would have helped claimant’s condition, requiring him to produce two shows in a week when one producing just one show took 50 hours before being permitted to take off more time from work would, presumably, have significantly diminished any positive effects that claimant would have otherwise gained from the time off. The record contains no other information regarding the employer’s leave policy, and therefore it cannot be presumed that a request for time off for any other reason would have been granted at all, or without the condition mentioned above.¹

Furthermore, even if the employer did grant claimant time off from work, without condition, to recover from the stress of overwork, the record suggests that claimant would return to work to find that the problems he had been experiencing at work persisted. Therefore, taking time off of work would have

¹ See also *Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996) (for a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual).

been, at best, a temporary solution to a long-term problem, and would not have been a reasonable alternative to quitting.

In short, the alternatives cited in the order under review were not reasonable under the circumstances. The record shows that claimant pursued the only potential reasonable alternatives to quitting by speaking to his supervisors and the HR department about being overworked multiple times and seeking transfers to different jobs within the company prior to quitting, and those efforts were not successful. As such, claimant voluntarily quit work for a reason of such gravity that he had no reasonable alternative but to quit. Claimant therefore voluntarily quit work with good cause, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-284425 is set aside, as outlined above.

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

DATE of Service: April 15, 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.

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