

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0187

Reversed
No Disqualification

PROCEDURAL HISTORY: On February 5, 2025, 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 from January 12, 2025 (decision # L0009191636).¹ Claimant filed a timely request for hearing. On March 3, 2025, ALJ Parnell conducted a hearing, and on March 4, 2025, issued Order No. 25-UI-284849, modifying decision # L0009191636 by changing the effective date of the disqualification to December 22, 2024. On March 24, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Eugene Water & Electric Board employed claimant as a utility operations coordinator from October 2018 through December 26, 2024.

(2) Prior to this employment, claimant had been diagnosed with post-traumatic stress disorder (PTSD). During her employment, claimant was diagnosed with anxiety. Claimant received treatment for these conditions during her employment.

(3) In 2021, claimant transferred internally to work in the employer's electric meter shop. "[A]most immediately" upon transfer, claimant had a contentious relationship with her supervisor. Transcript at 5. Claimant believed that the supervisor would blame her for others' mistakes, inappropriately discuss aspects of claimant's personal life with others, falsely accuse claimant of things, "illegally" record claimant without her knowledge, and otherwise engage in "[h]arassment and bullying" toward her. Transcript at 5, 8. Claimant believed that it was her supervisor's "mission to get [her] fired." Transcript at 8. Claimant believed that she was the "seventh [or] eighth" employee that the supervisor had treated in this manner. Transcript at 9.

¹ Decision # L0009191636 stated that claimant was denied benefits from January 12, 2025, to January 10, 2026. However, decision # L0009191636 should have stated that claimant was disqualified from receiving benefits beginning Sunday, January 12, 2025, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(4) Claimant first tried to address these complaints directly with her supervisor, then the supervisor's manager, then the employer's human resources department. Claimant believed that each time she made a complaint against her supervisor, she would experience retaliation, and the relationship would further deteriorate.

(5) Claimant sought numerous transfers within the employer to other departments and with other supervisors, which were all denied. Claimant also applied and interviewed for work with other employers without success. Claimant believed that her supervisor "prevented [her] from getting other work" for a "very long time" prior to the work separation. Transcript at 9.

(6) Claimant believed that her mental health worsened due to the work environment, particularly the relationship with her supervisor. As a result, in approximately September 2023, claimant began a seven-month period of protected medical leave. Claimant returned to work on April 1, 2024, but felt that conditions there did not improve. Claimant continued applying for internal transfers and work with other employers without success. Claimant thought that she was not entitled to take any further protected or other extended leave through at least April 1, 2025.

(7) Claimant continued receiving mental health treatment after returning from leave. Claimant's doctor advised her to "try to get out, try to change it, try to get out of the shop, get out from underneath her [supervisor]." Transcript at 28.

(8) On November 13, 2024, claimant's supervisor called a staff meeting to investigate a complaint between two employees, who were not present at the meeting. Claimant did not want to attend or participate in the meeting because she had no information about the incident leading to the complaint and did not feel it appropriate to talk about people who were not present. Claimant felt that she expressed this sentiment without becoming "upset," raising her voice, or gesturing with her hands, while claimant's supervisor felt that claimant "kept interrupting" her, "kind of put her hands up" and "was yelling." Transcript at 6, 13-15.

(9) On December 11, 2024, claimant's supervisor and a human resources representative met with claimant to discuss her conduct at the November 13, 2024, meeting, which they described to her as involving "yelling" and "aggressive body language." Transcript at 6. Claimant denied behaving inappropriately. At the end of the meeting, claimant was told not to discuss the matter with anyone else. As claimant was leaving, she saw her supervisor walk up to another employee and state, "[W]e finally did it," and thereafter they "continued texting back and forth in front of [claimant] laughing and giggling."² Transcript at 7-8. The employer intended to issue a warning to claimant for her alleged conduct on November 13, 2024, but claimant believed that the employer was preparing to discharge her, and that what claimant perceived as her supervisor making false allegations against her in this instance was the employer "trying to build a case against [claimant]." Transcript at 11.

(10) On December 17, 2024, claimant gave notice of her intent to resign, effective December 26, 2024. Claimant used accrued leave for much or all of this notice period. In her resignation letter, claimant wrote, "[G]oing back to a manipulative, toxic, and harassing environment of the electric meter shop is

² At hearing, the supervisor denied saying and doing this. Transcript at 15. This fact is found based on claimant's perception of the event.

no longer an option for my mental health.” Transcript at 19. Claimant did not work for the employer after December 26, 2024.

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 PTSD, 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.

Claimant quit working for the employer due to her difficult working relationship with her supervisor. The order under review concluded that claimant left work “because she was accused of inappropriate behavior at a staff meeting and because she thought the employer was gossiping about her and building a case to fire her,” which was not a grave situation under the impairment standard. Order No. 25-UI-284849 at 3. The record does not support the conclusion that this was claimant’s reason for quitting. Instead, it shows that this incident was one aspect of a persistently dysfunctional relationship with her supervisor, which impacted claimant’s mental health, and ultimately led claimant to quit work because she faced a grave situation.

Claimant testified that upon her transfer to the electric meter shop in 2021, she “almost immediately” had a problematic relationship with her supervisor. Transcript at 5. Claimant testified about several ways in which she believed her supervisor engaged in “[h]arassment and bullying” toward her, and retaliation for making complaints against her. Transcript at 5-8. Claimant believed her supervisor’s behavior was part of a campaign to drive her away from working for the employer, while simultaneously impeding her efforts to transfer to other departments or obtain work from another employer. At hearing, the supervisor denied claimant’s specific allegations regarding her behavior, harassing or bullying claimant generally, or scheming to end claimant’s employment. Transcript at 15-17. However, the supervisor admitted that she did not have “a good working relationship” with claimant. Transcript at 15.

It is unnecessary to determine whether claimant’s supervisor engaged in the conduct alleged by claimant, or whether such conduct, if it occurred, objectively constituted “harassment and bullying.” Claimant demonstrated by a preponderance of the evidence that she earnestly perceived the supervisor as having engaged in such conduct toward her, worsening her mental health to the point where claimant could not continue to work in that environment. Moreover, the record objectively shows that the supervisor-employee relationship was irreparably broken. That claimant took a seven-month protected leave of absence, ending on April 1, 2024, due to her worsening mental health, and that her doctor thereafter advised her to “get out of the shop, get out from underneath her [supervisor],” additionally supports these conclusions. Transcript at 28.

Furthermore, claimant was asked at hearing if her “medical conditions. . . contributed to [her] decision to quit,” and claimant replied, “Yes, because of the bullying, it’s anxiety. It’s. . . just constant fear of what are they going to do to me next, you know? Yes, a 100%.” Transcript at 27. Claimant also cited the impact of the working conditions on her mental health in her resignation letter. 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. Therefore, claimant quit work because she faced a grave situation.

Claimant also had no reasonable alternative to quitting work. Claimant testified that she attempted to address her complaints against the supervisor directly with the supervisor, and when that failed, she went to the supervisor’s manager, and then the human resources department. Transcript at 9. Claimant took a seven-month protected leave of absence, and testified that she therefore believed that she had exhausted her right to take further periods of extended leave though at least April 1, 2025. Transcript at 29. The employer did not rebut this testimony. Claimant also testified that she sought numerous transfers to other departments, and applied for and interviewed for work with other employers, without success. Transcript at 9-10. The human resources representative corroborated that claimant had applied for “several positions” between April and December 2024 without success. Transcript at 23. More likely than not, given these attempts to resolve the situation claimant faced regarding her supervisor, further efforts to transfer or otherwise separate herself from the supervisor would have been futile. Accordingly, claimant had no reasonable alternative to leaving work, and quit work with good cause.

For these reasons, claimant 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-284849 is set aside, as outlined above.

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

DATE of Service: April 25, 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.