

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0203

Affirmed
Disqualification

PROCEDURAL HISTORY: On January 21, 2025, 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 December 8, 2024 (decision # L0008836144).¹ Claimant filed a timely request for hearing. On March 13, 2025, ALJ Hall conducted a hearing, and on March 21, 2025 issued Order No. 25-UI-286958, affirming decision # L0008836144. On March 31, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond her reasonable control prevented them from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record.

FINDINGS OF FACT: (1) Southern Oregon Child & Family Council, Inc. employed claimant, most recently as their safety resource manager, from August 6, 2018 through December 12, 2024.

(2) Approximately once a month, the employer would send to claimant and other members of management an email which contained information about staff members who had separated from employment. Per policy, the employer expected recipients of these emails not to disclose the information contained therein. The employer required affected employees, including claimant, to sign a confidentiality agreement every year which reiterated this requirement.

(3) Beginning in or around 2019, claimant was frustrated or concerned about several managerial decisions that affected her work or position. This included a decision to reassign some of claimant's

¹ Decision # L0008836144 stated that claimant was denied benefits from December 8, 2024 to December 13, 2025. However, decision # L0008836144 should have stated that claimant was disqualified from receiving benefits beginning Sunday, December 8, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

previously-assigned duties in 2019, and a decision to withdraw claimant's access to an incident-reporting system that the Oregon Occupational Safety and Health Administration (OSHA) had required the employer to implement after a worker-safety complaint was filed against the employer. Claimant believed that the latter development was retaliation based on the employer's suspicion that claimant herself had filed the OSHA complaint. These and other concerns eventually led claimant to believe that the employer was looking for a pretext to discharge her.

(4) On December 11, 2024, claimant received the monthly email regarding employee departures. This email contained three entries for employees whose status was listed as "pending," and whose last day of work was listed as a future date. Transcript at 8. Claimant realized that this meant that these employees would be leaving in the near future. Claimant quickly learned that two of those employees had given their notice of resignation after claimant talked directly to one of them and to the coworker of the other. Claimant then went to speak to the third person on the list, "J," with whom claimant was friends. Claimant arrived at J's office and found her absent. As J's assistant was present, claimant "casually stated" to the assistant, "I hear [J] is leaving." Exhibit 1 at 1. The assistant was not aware of this fact, however, and claimant ultimately learned that J had been suspended pending discharge. One of the other people present while claimant was speaking to J's assistant went to report to human resources (HR) what had transpired in J's office.

(5) On December 12, 2024, the HR director called claimant into a meeting at which claimant's supervisor was also present. Without engaging in pleasantries, the HR director immediately began to question claimant about claimant's inquiries into J's employment status the previous day, asking her questions such as "Why did you feel you needed to ask [J] why she was leaving?" and "You do understand that this is a professional working environment, correct?" Exhibit 2 at 2. Claimant disliked the manner in which the HR director was questioning her, and felt that she was being spoken to "like a criminal." Transcript at 9. After concluding her questions, the HR director told claimant that she was suspending claimant with pay pending an investigation into the matter, as the HR director felt that claimant's actions the prior day constituted a violation of her confidentiality agreement. The suspension was intended to be investigative rather than disciplinary in nature. In response, claimant told the HR director that she was resigning. Claimant's supervisor then asked claimant if she wished to take a moment and consider, but claimant responded, "No, this place is crazy," and affirmed that she was quitting with immediate effect. Exhibit 2 at 2.

(6) Claimant quit because she believed that the meeting with the HR director signaled "the start... of being harassed because they wanted [her] to quit," and "felt that [she] could not stand another day there knowing... what their intentions were." Transcript at 7, 15.

(7) Prior to the December 11, 2024 incident, claimant had no disciplinary issues, and the employer considered her to be an "excellent employee." Transcript at 29. The employer was not intending to discharge claimant at the time of the meeting. Instead, had claimant not quit, they would have likely issued her a non-disciplinary "directive" regarding the alleged breach of confidentiality. Transcript at 29.

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 felt that the HR director’s actions in the December 12, 2024 meeting signaled the start of “being harassed” and an attempt to induce claimant to quit. To support this belief, claimant offered into the record details of various other developments over the preceding several years, such as a reduction in some of her duties and a withdrawal of her access to an incident-reporting system. Claimant also offered into the record written narratives from two former coworkers, both of which alleged that the employer’s upper management had engaged in discriminatory or otherwise unfair conduct towards claimant and others. *See* Exhibit 1 at 2–5. One of these former coworkers stated that they quit working for the employer in October 2022. Exhibit 1 at 3. The other, claimant’s former supervisor, indicated that they had started as claimant’s supervisor in 2019, eventually was encouraged by upper management to discharge claimant, was removed from their position when they refused to discharge her, and later quit. Exhibit 1 at 4. The latter narrative did not state when any of those events occurred.

The record contains insufficient information to determine whether these allegations were true, such that the employer had previously engaged in a pattern of behavior that was discriminatory towards claimant or otherwise was an attempt to induce her to quit. Even assuming that they *were* true, however, it is not clear that any of this conduct continued particularly close in time to when claimant quit. As such, the record essentially shows that claimant voluntarily quit work because, in light of concerns that had largely arisen several years in the past, she believed that the investigatory suspension that the employer had given her was the beginning of a campaign of harassment against her, and quit to avoid that. Claimant’s belief here, while understandable, was also speculative, and did not constitute a situation of such gravity that she had no reasonable alternative but to quit.

Instead, the record suggests that claimant’s actions on December 11, 2024 probably did violate the employer’s confidentiality agreement by incautiously disclosing the employment status of one employee to other employees who were not otherwise privy to that knowledge. Furthermore, while the HR director may not have approached claimant about the matter with the type of courtesy claimant expected, the record does not show that she used foul language, issued any threats, or explicitly insulted claimant. Therefore, the situation that actually led claimant to quit was a reasonable investigation into an alleged violation of policy that the employer had good reason to believe claimant had committed, rather than an effort to induce claimant to leave of her own accord. A reasonable and prudent person who found themselves in such a situation would not have concluded that they could not have worked for the employer for an additional period of time.

For the above reasons, claimant voluntarily quit work without good cause, and therefore is disqualified from receiving unemployment insurance benefits effective December 8, 2024.

DECISION: Order No. 25-UI-286958 is affirmed.

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

DATE of Service: May 9, 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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