

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0208

Affirmed
Disqualification

PROCEDURAL HISTORY: On January 23, 2025, 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 from December 29, 2024, through January 3, 2026 (decision # L0008921456). Claimant filed a timely request for hearing. On March 10, 2025, ALJ Goodrich conducted a hearing, and on March 12, 2025, issued Order No. 25-UI-285801, modifying decision #L0008921456 by concluding that claimant was disqualified from receiving benefits beginning December 15, 2024, until requalified under Department law. On March 31, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Rvcetd South, LLC employed claimant as an assistant manager at one of their cannabis stores from February 2024 through December 19, 2024. Claimant had worked at the store since October 2023, and the employer took ownership of the store in February 2024.

(2) Claimant's wife, K., was the manager of the store where he worked, and was his direct supervisor. K. was supervised by a district manager. K. and the district manager had a contentious relationship, and the district manager felt that K. often had difficulty accepting "critiques" of her work performance. Transcript at 33.

(3) Prior to the employer's purchase of the store, K. had delegated to claimant the task of ordering product for the store. In approximately April 2024, the employer changed to centralized ordering for all their stores, and claimant therefore no longer ordered product for the store where he worked. Claimant was dissatisfied with this change. Claimant believed that the employer paid too much for the products they sold at the store, and priced the products at an insufficient markup for the store to be successful.

(4) Several times during claimant's employment, the district manager asked K. to have a digital flyer created to promote the store or its products, to be distributed to potential customers by text message. K. delegated the design task to claimant, who had not been trained to use the specialized software involved in this process. Often, the design submitted by claimant could not be used or had to be edited before use

because it did not meet the technical requirements of the program that distributed the flyer by text. This upset claimant who felt that the employer was dismissing his work product as “shit.” Transcript at 23.

(5) The district manager would often discuss sales figures and other financial aspects of the store’s operations with K. Claimant would sometimes overhear these discussions, but was never invited to participate in them. Claimant felt that the employer viewed the store’s performance negatively, and that the employer blamed him for it. Claimant believed that, to the extent the store performed poorly, it was due to changes made by the new ownership, particularly removing purchasing decisions from claimant’s purview and selling products that would benefit the owner’s other business ventures, to the store’s detriment. This, along with the employer’s rejection of his flyer designs, caused claimant “extreme stress,” for which he did not seek medical treatment. Transcript at 24.

(6) On or shortly before December 18, 2024, the district manager instructed K. to have someone at the store design a flyer for text distribution. Claimant designed the flyer and submitted it for approval. On December 18, 2024, the district manager told K. that the design needed to be edited to include the product’s price point, and believed that there had been a misunderstanding in conveying that requirement to K. previously. Claimant was upset that his flyer design was not accepted as he submitted it and was “pushing back” against the district manager’s feedback. Transcript at 40.

(7) Also on December 18, 2024, the district manager had a discussion with K., “trying to help kind of critique her, the way she was delegating different tasks around the store and other things.” Transcript at 39. The district manager felt that K. responded with “immediate conflicts” and was often resistant to even “small changes” or suggestions on how she could do things “better.” Transcript at 29. Despite the employer’s view of K.’s performance, they were not dissatisfied with claimant’s performance and did not plan to discipline or discharge him.

(8) On December 19, 2024, the district manager went to the store to issue K. a “final write-up” for the way she responded to the previous day’s conversation. Transcript at 39. A few minutes after the district manager sat down with K. to talk about the warning, K. got up and went to discuss it with claimant in another room. Claimant felt that issuance of a warning to K. was “unfair.” Transcript at 49. Claimant and K. jointly decided to quit work with immediate effect, notified the district manager of this, and left the store.

CONCLUSIONS AND REASONS: Claimant 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 quit work primarily because the employer issued a final written warning to K. that claimant felt was undeserved. Though claimant agreed at hearing that this was “ultimately” the reason he decided to quit work when he did, the incident occurred within the context of other points of job dissatisfaction, including the employer editing or rejecting his flyer designs, and making business decisions that claimant believed were detrimental to the store. Transcript at 49. These reasons did not constitute a grave situation, individually or combined.

It is understandable, based on the familial relationship that claimant was upset by the district manager deciding to discipline his wife for her work performance. The district manager asserted that the warning was deserved because K. repeatedly resisted the employer’s efforts to implement changes they desired and would not accept “critiques” of her work, resulting in “immediate conflicts” when these subjects were discussed. Transcript at 39. Claimant did not rebut this assertion. It can reasonably be inferred that the purpose of the written warning was to correct K.’s behavior and alert her that her job was in jeopardy if the behavior did not change. The record fails to show by a preponderance of the evidence that the employer was treating K. unfairly by issuing the warning. Additionally, claimant was not subject to discipline himself, or at risk of losing his own job. Therefore, while learning that his wife’s job was at risk was upsetting to claimant, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work under these circumstances.

Claimant was also upset by the employer’s decisions with respect to the ordering and pricing of the products they sold at the store. Claimant was discouraged that ordering responsibilities he previously had undertaken were centralized shortly after the store came under new ownership. The employer asserted that this was not a reflection on claimant’s abilities, but an efficiency measure applicable to all the stores they owned. Claimant felt that the purchasing decisions thereafter favored the owner’s other businesses, which was detrimental to the store because the businesses charged the store inflated prices, and the prices the owner directed the store to charge customers reflected an insufficient markup for the store to be profitable. Even assuming that these assertions were entirely accurate, the record fails to show that these business decisions, which were well within the employer’s discretion to make, had any practical effect on claimant individually. It can reasonably be inferred that responsibility for the store’s financial successes or failures rested with K. as store manager, rather than claimant as assistant manager. That the district manager discussed the store’s finances directly only with K., rather than claimant, supports this inference. *See* Transcript at 43. Claimant has not shown an objective basis for his feelings that the employer considered him the “blame guy” for the store’s declining profits, or that the store’s financial condition should have caused him to feel intolerably “stressed out.” Transcript at 19, 24. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work due to these circumstances.

Similarly, claimant was upset that the employer did not publish advertising flyers he designed, or made edits to them before publication. The district manager testified that the edits or rejections were not intended as a criticism of claimant’s design or artistic abilities, but were based on compatibility requirements of the software that distributed the flyers by text message. Transcript at 35-36. Claimant did not directly rebut this testimony. To the extent claimant asserted that the employer dismissed his work product “multiple times” as “shit,” it is unclear from the record whether claimant was asserting that this was a direct quote or merely the impression he had of the employer’s rejection of his work.

Transcript at 10-11.¹ With respect to the December 18, 2024, feedback on the flyer claimant designed, the district manager testified, “I don’t recall telling them that it was shit.” Transcript at 35. However, even if the employer’s critiques of claimant’s designs were insufficiently tactful, they were appropriately grounded in the needs of the business. As such, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work due to these circumstances.

For these reasons, claimant’s reasons for leaving work did not individually or collectively amount to a grave situation. Accordingly, claimant quit work without good cause and is disqualified from receiving benefits effective December 15, 2024.

DECISION: Order No. 25-UI-285801 is affirmed.

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

DATE of Service: May 5, 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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¹ Claimant testified that the employer’s responses to his work were relayed to him through K., so it is possible K. paraphrased the responses in this fashion. Transcript at 10-11.



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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