

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0213**

*Reversed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 11, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0006621856). The employer filed a timely request for hearing. On March 24, 2025, ALJ Hall conducted a hearing, and on April 1, 2025, issued Order No. 25-UI-288018, affirming decision # L0006621856. On April 7, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Redmond Public Schools employed claimant, most recently as a student success coordinator, from August 29, 2022 through June 14, 2024. Claimant worked for the employer in 2018 as a tutor and temporary receptionist, and from June 2022 through August 28, 2022 as a temporary administrative assistant, before transferring to her role as a student success coordinator.

(2) At the time of claimant's hire for the student success coordinator position, the position description required "Master's or higher level training and/or experience." Transcript at 23. Claimant was in her final year of a bachelor's degree program at the time. Claimant and the employer were aware that the position required licensure as a teacher or in other selected specialties which claimant did not possess, but believed that only a bachelor's degree would be required to obtain one of the acceptable licenses.

(3) When claimant began working in that position, claimant was granted an emergency teaching license valid for one year and subject to potential renewal thereafter based on making progress toward full licensure.

(4) After the beginning of the 2023-2024 school year, the employer and claimant learned that claimant would need to obtain a master's degree for full licensure and would need to show progress toward earning that degree to renew her emergency license for the following year. The cost of pursuing the degree may have been partially or fully covered by the employer or other governmental assistance. Claimant would have been responsible for completing the coursework outside of work time and in

addition to her regular work responsibilities. Claimant was unwilling to spend time outside of work hours pursuing the degree and therefore did not enroll in a program.

(5) The employer's 2023-2024 academic year ended on June 14, 2024. The employer did not have work for claimant in her regular position during the summer break, but as of early June 2024 she was expected to return to her position in August and work through the 2024-2025 academic year. The employer would not have permitted claimant to resume work without a renewed emergency license. Claimant's emergency license would not be renewed without her having enrolled in a master's degree program.

(6) On June 14, 2024, claimant gave the employer notice of her resignation with immediate effect. Claimant resigned because she believed she would be discharged upon her return to work in August 2024 because she would not have, or be eligible for, a teaching license at that time.

(7) Prior to claimant's resignation, claimant spoke with the employer's human resources department to try to preserve her employment in the student success coordinator position, but was unsuccessful due to the licensure requirements claimant was unwilling to complete. The employer had "a lot" of open classified positions at that time that did not require licensure and for which claimant would have met educational and experiential requirements. Transcript at 20. These positions paid less than positions requiring licensure and claimant therefore did not inquire about transferring to them.

**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.

Per OAR 471-030-0038(5)(b), leaving work without good cause includes:

\* \* \*

(E) Willful or wantonly negligent failure to maintain a license, certification or other similar authority necessary to the performance of the occupation involved, so long as such failure is reasonably attributable to the individual;

(F) Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;

\* \* \*

“As used in ORS 657.176(2)(a) . . . a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest is misconduct.” OAR 471-030-0038(3)(a). “[W]antonly negligent’ means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee.” OAR 471-030-0038(1)(c).

Claimant quit work to avoid a potential discharge for failing to obtain or maintain a license required for her position. The order under review concluded that this was a grave situation and claimant had no reasonable alternative to leaving work. Order No. 25-UI-288018 at 3. The record supports that claimant faced a grave situation, but does not support that she had no reasonable alternative to quitting.

Claimant quit work on June 14, 2024, the final day of the 2023-2024 academic year, and would next have been required to work in August 2024 at the start of the 2024-2025 academic year. Claimant was required to renew her emergency license to continue working as a student success coordinator in August 2024. Claimant asserted, and the employer failed to rebut, that claimant was ineligible to renew her emergency license for the 2024-2025 academic year. It is reasonable to infer that the employer would have discharged claimant on her next scheduled workday if she did not have a valid license, unless she transferred to a different position that did not require licensure. Therefore, claimant quit to avoid a potential discharge, and because she failed to maintain a license required for her position. To determine whether OAR 471-030-0038(5)(b)(E) or (F) preclude a finding of good cause, it is necessary to analyze whether the failure to maintain the license was willful or wantonly negligent.

The employer’s witness testified that the position description at issue listed a minimum requirement of “Master's or higher level training and/or experience.” Transcript at 23. Claimant testified that at the time she was hired, she was in the final year of a bachelor’s degree program and both parties believed that this level of education would be sufficient to obtain one of several types of licenses that would qualify claimant to hold the position. Transcript at 8-9. The employer did not rebut this testimony. However, shortly after claimant began working in the position, she and the employer learned that a master’s degree would be required for full licensure, and progress toward the degree would be required for yearly renewals of the emergency license. The employer’s witness testified that employees in this situation can be eligible for “financial assistance” in paying for a master’s degree program, but that the employer “cannot make them take classes” and it is left to their own “desire to do so.” Transcript at 19. Claimant testified that she was unwilling to enroll in a master’s program because of time and other demands placed on her from her regular work responsibilities. Transcript at 6.

Because claimant was not told at hire of a requirement to complete the coursework of a master’s degree program on her own time and at least partially at her own expense, in addition to her regular job responsibilities for which she was paid, it was not reasonable for the employer to expect her to do so as a condition of maintaining her employment. A conscious decision not to comply with an unreasonable employer policy is not misconduct. OAR 471-030-0038(1)(d)(C). Therefore, while claimant consciously chose not to enroll in the program, aware that failing to enroll would prevent her from renewing her license and would violate the employer’s expectation, this was not willful or wantonly negligent, and did

not constitute misconduct under the rule. Accordingly, OAR 471-030-0038(5)(b)(E) and (F) do not preclude a finding of good cause.

A claimant has good cause to quit work to avoid being discharged, not for misconduct, when the discharge was imminent, inevitable, and would be the “kiss of death” to claimant’s future job prospects. *McDowell v. Employment Dep’t.*, 348 Or 605, 236 P3d 722 (2010). As previously discussed, it is reasonable to infer that, more likely than not, the employer would have discharged claimant on her next scheduled work day in August 2024 rather than allow her to work as a student success coordinator without a valid license, and claimant was unable to renew her license due to her failure to enroll in a master’s program. Unless transfer to another position with the employer occurred, discharge was therefore imminent and inevitable, and for the reasons previously discussed, would not have been for misconduct. It is also reasonable to infer that being discharged from a teaching position for failure to obtain or maintain a license could have a negative impact on claimant’s prospects of future employment in that field. Accordingly, claimant has shown that she faced a grave situation.

However, claimant had a reasonable alternative to leaving work. The employer’s witness testified that in June 2024, the employer had “a lot” of open classified positions that did not require licensure and for which claimant would have met educational and experiential requirements. Transcript at 20. Claimant had successfully held classified, unlicensed positions with the employer previously, including tutor, temporary receptionist, and temporary administrative assistant. Claimant testified that she did not inquire about transferring because she believed that there were not “any other positions available. . . that would align with what I was wanting to do unless it was an assistant position which would’ve drastically dropped below what I was doing and making compared to being in the teaching role.” Transcript at 10. In weighing this evidence, it is reasonable to conclude that the employer, more likely than not, had open positions other than “assistant” which required a bachelor’s degree and which paid wages commensurate with having such a degree. While this rate of pay would have been less than that of a position that required licensure, claimant did not have, and was unwilling to obtain, such licensure, and therefore should reasonably have expected to earn wages commensurate with the level of education and licensure she had actually attained. Discussing with the employer’s human resources department the possibility of transferring to such a position therefore would have been a reasonable alternative to leaving work. Claimant did not avail herself of this alternative. Accordingly, while claimant faced a grave situation, she had a reasonable alternative to leaving, and therefore quit work without good cause.

For these reasons, claimant voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective June 9, 2024.

**DECISION:** Order No. 25-UI-288018 is set aside, as outlined above.

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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

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