

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

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0224**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On March 3, 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 22, 2024, to January 3, 2026 (decision # L0009478075). Claimant filed a timely request for hearing. On March 28, 2025, ALJ Buckley conducted a hearing, and on April 2, 2025, issued Order No. 25-UI-288151, modifying decision # L0009478075 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective December 22, 2024, and until requalified under Employment Department law.<sup>1</sup> On April 14, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Good Samaritan Hospital and Medical Center employed claimant as a housekeeper at their hospital from July 19, 2023, until December 23, 2024.

(2) In or around 2021, claimant was diagnosed with anxiety. Symptoms of the condition included difficulty concentrating and increased blood pressure and heart rate. Claimant was prescribed and used medication to treat the condition.

(3) Over the course of the time claimant worked for the employer, he became dissatisfied with aspects of his job relating to perceived changes to his job description and what he considered to be unsafe working conditions. As to changes in his job description, claimant's designated work area was the hospital's first floor. However, he was subject to being "pulled," or moved to work in other areas of the hospital. Transcript at 8. Claimant felt that he was frequently pulled from his area to work in different areas of the hospital, such as to reset a room after a patient was discharged from the hospital, but that his coworkers

<sup>1</sup> Order No. 25-UI-288151 stated that the date of disqualification was December 24, 2024. Order No. 25-UI-288151 at 4. The reference to December 24, 2024, is presumed to be a typographical error. Because the week in question began on Sunday December 22, 2024, the order is presumed to have intended to state that the disqualification begins December 22, 2024.

would not be pulled from their work areas. Claimant also felt that, following a management change in January 2024, the housekeepers were given more work to do, which was hard on claimant's mental and physical health and caused him to go home early or call in sick to work on a couple of occasions.

(4) The employer pulled housekeepers to different areas based on their training and where a particular need was. Claimant was cross-trained in nine different areas, and when pulled, was assigned to one of the areas in which he had been cross-trained. Housekeepers were not made aware of when other housekeepers were pulled to a different area or what the housekeepers were assigned to do when pulled, and the employer believed all housekeepers did a generally equal share of hospital room discharges. Regarding claimant's belief that housekeepers were given more work after a management change, the employer at a certain point instructed employees to improve "detailing" after a review showed employees were doing only about six hours of documented work per shift. Transcript at 42-43.

(5) As to working conditions, during his employment, claimant observed that equipment sometimes was broken or not working properly, found surgical scalpels being used as box cutters at times, and felt that it was easy to slam one's fingers in the hospital's doors, having closed a door and a garbage chute on his fingers at different times. During his employment, claimant injured his hip pushing a rolling linen basket with wheels that did not function properly. Claimant also injured his back while pushing a bed and his shoulder while lifting linen bags that someone else had overfilled.

(6) Claimant raised his dissatisfaction with the perceived changes to his job description and his working conditions with his assistant manager.<sup>2</sup> Claimant also raised his dissatisfaction with these issues with his doctor. Claimant's doctor kept the dosage of claimant's prescribed medication the same, but, in March 2024, told claimant that the best solution would be for him to find something else to do for work.

(7) Claimant looked for other work. Claimant interviewed for some positions, and was offered at least one job, but did not accept the position because it paid less than his job as a housekeeper. Claimant also applied to transfer to other departments within the hospital on a few occasions, but was not selected for the transfer positions.

(8) Claimant did not raise his complaints about his job description allegedly changing or his working conditions to the employer's human resources (HR) department. If he had, the HR department would have investigated the matter and taken action if claimant's complaints were substantiated. Though claimant was a member of a union, he did not raise his complaints with the union or make a grievance.

(9) Prior to December 16, 2024, the employer's HR department had received complaints about claimant's attitude toward his shift supervisor, including that claimant would raise his voice and refuse assignments when they were given. A particular employee "filed a concern" with the HR department that claimant "would cause them to be fearful when he was raising his voice at them." Transcript at 29. Claimant's department manager had had multiple employees come to him and complain about

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<sup>2</sup> The parties disputed the extent to which claimant raised his dissatisfaction with these issues to his managers. Claimant testified that he had meetings with the department manager and assistant manager in January and May 2024 in which he "discuss[ed] issues in the department[.]" Transcript at 46. Claimant's department manager testified that he did not recall having meetings with claimant in January or May 2024, and that claimant had not raised his job dissatisfaction with him, but had spoken to an assistant manager about it once, "in passing." Transcript at 45, 39. Given that the burden of proof is on claimant and the balance of the evidence, this fact has been found in accordance with the employer's evidence.

claimant's behavior in team meetings, and the tone of his responses to leads and managers. The department manager forwarded these concerns to the HR department.

(10) On December 16, 2024, claimant met with his department manager, assistant manager, and a third managerial employee. The purpose of the December 16, 2024, meeting was to coach claimant on the employer's attendance policy and remind claimant of quality expectations. However, while discussing claimant's quality scores, the managers mentioned that one of claimant's coworkers had stated that claimant was dissatisfied with his job and the department manager asked if claimant was "okay addressing concerns" he had with the job. Transcript at 41. Claimant shared his concerns about his job dissatisfaction, including his dissatisfaction with being pulled to work in other areas, in an agitated manner, and indicated that he was searching for other jobs and planning to eventually stop working for the employer. The department manager advised the HR department of what claimant had communicated.

(11) On December 17, 2024, claimant reported to the hospital to work his shift. Upon his arrival, claimant was brought into a meeting with an HR representative and the department manager. The meeting was called because of the concern the employee had filed that the employee was "becoming fearful of [claimant's] conduct." Transcript at 29. In the meeting, the HR representative shared with claimant the employee's concern<sup>3</sup> and informed claimant that he was being placed on paid administrative leave pending an investigation. The HR representative told claimant he was to return to work from the period of paid administrative leave on December 23, 2024. Claimant was scheduled to work on December 23, 2024. The employer took claimant's badge and keys, and escorted him off the property.

(12) The purpose of placing claimant on paid administrative leave was to enable the HR department to fully investigate the employee's concern. If the concern was substantiated, the employer would have issued a formal corrective action. However, they would not have terminated claimant's employment. Although claimant was not informed during the December 17, 2024, meeting that there was no risk that his employment would be terminated, "He was told what the [employee] concerns were and that [the HR department] w[as] doing an investigation." Transcript at 30.

(13) Claimant was on paid administrative leave from December 17, 2024, through December 22, 2024, with the expectation that he would return to work on December 23, 2024. While on leave, claimant thought about the situation. Claimant came to believe that the employer had retaliated against him by placing him on paid administrative leave after he advised in the December 16, 2024, meeting that he was searching for other jobs and planning to eventually stop working for the employer. Claimant regarded the perceived retaliation as evidence that the employer subjected him to a hostile work environment.

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<sup>3</sup> The parties disputed this fact. At hearing, claimant testified that he asked why he was being placed on paid administrative leave at the December 17, 2024, meeting, and "they did not give [him] answers" and stated only that "something came up that drew their attention." Transcript at 15, 22, 46. The HR representative testified that the December 17, 2024, meeting was called because "someone had filed a concern that they were becoming fearful of [claimant's] conduct" and that when she and the department manager met with claimant, they "shared with him the concern. Yes." Transcript at 29. She also testified, "He was told what the concerns were and that we were doing an investigation." Transcript at 30. As these accounts are equally balanced and claimant has the burden of proof, this fact also has been found in accordance with the employer's evidence.

(14) On December 23, 2024, claimant sent the employer a message stating that he was resigning effective that day. In the resignation message, claimant cited “hostile work environment, unsafe work conditions[,] and changes in job description” as why he was leaving work. Transcript at 5.

**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). Claimant had anxiety, a permanent or long-term “physical or mental impairment” 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 because of the alleged changes to his job description, including claimant’s perception that he was frequently pulled from his area to work in different areas of the hospital when other housekeepers were not pulled, and, after a management change in January 2024, an increase in the amount of work he had to do. Claimant also resigned because he believed working conditions at the hospital were unsafe. Lastly, claimant resigned due to an alleged hostile work environment, which claimant believed the employer subjected him to by placing him on paid administrative leave in retaliation for his stating in the December 16, 2024, meeting that he was searching for other jobs and planning to eventually stop working for the employer. Claimant did not meet his burden to show that he quit work with good cause based on any of these reasons.

First, as to the alleged changes in his job description, the witnesses for the employer denied at hearing that claimant’s job description ever changed. Transcript at 31, 42. The employer’s HR representative testified that the workflow of housekeepers was dynamic and the employer pulled housekeepers to different areas based on their training and where a particular need was. Transcript at 31. Claimant’s department manager testified that claimant was cross-trained in nine different areas, and, when pulled, was assigned to one of the areas in which he had been cross-trained. Transcript at 45-46. The department manager testified that employees “aren’t privy to . . . how other employees are pulled or what they’re assigned to do” and “generally speaking[,] employees won’t know the details of that workflow.” Transcript at 43. This casts doubt that claimant would be in a position to know, as he asserted, that other housekeepers received special treatment by not being pulled from their work areas. Transcript at 7-8. Claimant suggested he was assigned to reset rooms after patient discharges more frequently than others, but the HR representative testified that housekeepers did a generally equal share of hospital room discharges. Transcript at 8, 31. Claimant testified that housekeepers were given more work to do after a January 2024 management change. Transcript at 10. However, the department manager stated that employees were instructed to improve “detailing” after a review showed employees were doing only about six hours of documented work per shift, which presents any perceived increase in claimant’s workload as a reasonable effort on the part of the employer to improve efficiency among the housekeepers. Transcript at 42-43.

Claimant therefore failed to prove that his job description changed in a material way, that he was subject to being pulled when others were not, or that his workload was increased in an unreasonable manner. Claimant therefore failed to show based on this reason that he faced a situation of such gravity that he had no reasonable alternative but to leave work when he did. Furthermore, claimant did not raise his complaints about his job description allegedly changing with the employer's HR department, which would have investigated the matter and taken action if claimant's complaints were substantiated. Nor does the record show that claimant ever raised the issue with his union or filed a grievance. Accordingly, claimant failed to pursue reasonable alternatives prior to leaving work based on these reasons.

Next, as to claimant's quitting work because he believed working conditions at the hospital were unsafe, claimant failed to show that a reasonable and prudent person with his anxiety condition would leave work for this reason. That claimant slammed his fingers in a hospital door and garbage chute was regrettable, but claimant did not show that he suffered any substantial harm or that the employer was responsible for him getting his fingers caught in the doors as opposed to the incidents being unfortunate accidents or the result of claimant's own carelessness. It was not made evident how the fact that claimant found surgical scalpels being used as box cutters at times posed a risk of tangible harm to him. That claimant sustained injuries to his hip, back, and shoulder were matters of concern, particularly the hip injury, which claimant attributed to pushing a rolling linen basket with malfunctioning wheels. However, claimant did not raise these issues with the employer's HR department, which would have investigated and taken action if claimant's complaints about working conditions were substantiated. Nor does the record show that claimant ever raised his concerns about working conditions with his union or filed a grievance. Accordingly, claimant failed to pursue reasonable alternatives prior to leaving work based on this reason.

Finally, claimant also failed to prove that he left work with good cause to the extent he quit due to an alleged hostile work environment. Claimant's allegation of a hostile work environment was premised on the contention that the employer placed him on leave as retaliation for his stating in the December 16, 2024, meeting that he was searching for other jobs and planning to eventually stop working for the employer. The record does show that claimant stated in the December 16, 2024, meeting that he was searching for other jobs and planning to eventually stop working for the employer, and that the department manager relayed to the HR department what claimant had communicated in the meeting. The record also shows that the next day, December 17, 2024, the employer placed claimant on paid administrative leave.

However, the employer disputed that they placed claimant on leave as retaliation. When asked at hearing what caused the December 17, 2024, meeting, the employer's HR representative testified that "someone had filed a concern that they were becoming fearful of [claimant's] conduct." Transcript at 29. The witness further testified that the purpose of placing claimant on leave was, "To give us time to fully investigate the concern so that we could develop a plan . . . with his return in . . . redirecting those behaviors of concern." Transcript at 30. Additionally, it is credible that the employer would place claimant on leave on December 17, 2024, for reasons other than retaliation. Prior to December 16, 2024, the HR department had received complaints about claimant's attitude toward his shift supervisor. Claimant's department manager also had received complaints from employees about claimant and conveyed them to the HR department.

Moreover, even if claimant's comments or behavior in the December 16, 2024, meeting were factors in the employer's decision to place claimant on leave on December 17, 2024, it is not evident that claimant was presented with a grave situation by being placed on leave. This is because the administrative leave was paid and of a defined period, with claimant scheduled to return to work on December 23, 2024. Because claimant did not prove that his placement on paid administrative leave was retaliatory, or that being placed on paid administrative leave harmed him in a material way, claimant failed to show based on this reason that he faced a situation of such gravity that he had no reasonable alternative but to leave work when he did.

For the reasons discussed above, claimant quit work without good cause and is disqualified from receiving unemployment insurance benefits effective December 22, 2024.

**DECISION:** Order No. 25-UI-288151 is affirmed.

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

**DATE of Service:** May 15, 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 دستورالعمل 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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