

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

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0229

Affirmed
No Disqualification

PROCEDURAL HISTORY: On February 25, 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 effective December 15, 2024 (decision # L0009444455).¹ Claimant filed a timely request for hearing. On April 10, 2025, ALJ Buckley conducted a hearing, and on April 11, 2025, issued Order No. 25-UI-289281, reversing decision # L0009444455 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On April 16, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Burnt River School District employed claimant as a dormitory supervisor from January 2024 through December 18, 2024.

(2) Claimant's work involved living with and supervising eight exchange students as a parent would, including "cooking, cleaning, relationship building, providing activities, [and] making sure that they do their schoolwork." Transcript at 21. Claimant alternated her work schedule with a coworker, R., and each worked four consecutive days around the clock, then had four consecutive days off.

(3) In approximately 2018, claimant was treated for cancer and at the same time received treatment for mental health symptoms including anxiety. After the cancer treatment ended that year, claimant did not seek further medical intervention for mental health symptoms. However, claimant spoke with a counselor through video once per week beginning in August 2024, largely to discuss difficulties she had working with R. Claimant experienced anxiety, a rash, weight loss, and sleep disruption in late 2024,

¹ Decision # L000944445 stated that claimant was denied benefits from December 15, 2024 to January 17, 2026. However, decision # L0009444455 should have stated that claimant was disqualified from receiving benefits beginning Sunday, December 15, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

and felt “sad. . . , down, [and] unwanted.” Transcript at 17. Claimant attributed these symptoms to a stressful work environment.

(4) For the first several months of claimant’s employment, claimant had a “great” relationship with R. and worked cooperatively with her. Transcript at 6. However, by fall of 2024 their relationship had deteriorated. Claimant felt that R. was “being dominant” over her, would “berate” her, undermine her authority, criticize how she performed her work, and alienate her from the students. Transcript at 7.

(5) A frequent source of conflict involved the purchase and preparation of food, which required claimant and R. to work cooperatively. Claimant felt that R. would use funds jointly allotted to them to make food purchases claimant did not know about or approve of, and would criticize claimant’s purchases and cooking ability. R. also permitted the students to cook late at night, excused them from chores claimant had assigned them, and allowed the students freedoms within the dormitory that conflicted with claimant’s less permissive style of supervision.

(6) Claimant resided with a significant other away from the employer’s premises when she began her employment. By October 2024, claimant found the work environment so difficult due to the relationship with R. that it was causing “stress and fights” at home. Transcript at 7. That month, she moved out of the shared residence and into a home she rented from the employer so she “could concentrate more on being a better person for the students and to be there a 100% of the time.” Transcript at 7-8.

(7) On December 17, 2024, while claimant was working, R. called claimant and was “yelling” at her, calling her “selfish,” and “starting a fight.” Transcript at 11. R. told claimant that R. and her husband were going to “run the place” next year, implying that R. was attempting to force claimant out of her job so that her husband could take it. Transcript at 12.

(8) After the call, claimant called her supervisor and said that she “can’t do this anymore” and wanted to resign due to the contentious relationship with R. Transcript at 15. The supervisor asked claimant to think about it overnight and discuss it with her the following morning.

(9) The supervisor had been aware of the problematic relationship for several months and met with claimant and R. occasionally to try to improve it. Claimant’s supervisor also suggested a different schedule, but left it to claimant and R. to agree upon. Claimant offered to change her schedule to reduce the friction with R., but R. refused. The employer had no available positions to which claimant could transfer. The employer contracted with an outside agency to provide human resources services on a limited basis, but claimant’s supervisor felt they were “not super involved” in the employer’s day-to-day operations, and the limited suggestions they made to the supervisor regarding holding periodic meetings and changing work schedules proved ineffective in resolving the difficulties between claimant and R. Transcript at 25.

(10) On December 18, 2024, claimant again spoke with her supervisor and stated that she still wished to resign. The supervisor asked claimant to continue working through the end of the month, even if it was only three days per week rather than four, but claimant replied that she was not “mentally or emotionally” capable of doing so, and that her resignation would have immediate effect. Transcript at 25. Claimant did not work for the employer after December 18, 2024.

CONCLUSIONS AND REASONS: Claimant 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). 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 working for the employer due to her contentious relationship with R. This relationship had deteriorated over several months, with claimant feeling dominated by R. in issues where they were supposed to have equal authority, as well as feeling unfairly criticized, undermined, and alienated from the students with whom she lived for a substantial part of each week. The situation became so stressful for claimant that it impacted her health, in the form of a rash, weight loss, and sleep disturbance, as well as depressed and anxious moods. It also impacted claimant’s home life, causing tension with her significant other such that she moved out of their shared home into a home she rented from the employer. The record suggests that by mid-December 2024, R. had at least implied to claimant that she was attempting to force claimant from her job so that R’s husband could take over the job. The employer expressed little willingness to intervene despite claimant’s supervisor being aware of the difficulties in the working relationship for several months. Under these circumstances, no reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would continue to work for the employer. Therefore, claimant faced a grave situation.

Furthermore, claimant had no reasonable alternative to leaving. The employer made limited use of their contracted human resources services provided by another agency, though claimant’s supervisor implemented the few suggestions they made, with little effect. It is reasonable to infer that claimant did not have direct access to these services in resolving the conflict with R, or at least was unaware that she could direct complaints to the human resources provider. Moreover, the record suggests that any assistance they provided directly to claimant would have been similarly ineffective to those suggested to her supervisor. Claimant had notified her supervisor of the conflict several months before her resignation and updated her as additional conflicts arose, but the supervisor had little to offer in the way of solutions. The supervisor, at the suggestion of the human resources provider, held occasional meetings between the three of them that were unproductive in improving the relationship, and suggested an alternate schedule be agreed upon between claimant and R., which claimant proposed but R. rejected. Claimant’s supervisor testified that there were no other positions available with the employer to which claimant could have transferred. Transcript at 24. Accordingly, claimant had no reasonable alternative to leaving work, and therefore quit work with good cause.

For these reasons, claimant quit work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-289281 is affirmed.

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

DATE of Service: May 16, 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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