

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0237**

*Affirmed*  
*Request to Reopen Allowed*  
*Disqualification*

**PROCEDURAL HISTORY:** On January 14, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and was disqualified from receiving unemployment insurance benefits effective December 1, 2024, through June 28, 2025 (decision # L0008568535). Claimant filed a timely request for hearing. On January 31, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for February 18, 2025. On February 18, 2025, claimant failed to appear at the hearing, and ALJ Murray issued Order No. 25-UI-283336, dismissing claimant's request for hearing due to claimant's failure to appear. On February 21, 2025, claimant filed a timely request to reopen the hearing. On April 3, 2025, ALJ Murray conducted a hearing, and on April 7, 2025, issued Order No. 25-UI-288616, allowing claimant's request to reopen the February 18, 2025 hearing, cancelling Order No. 25-UI-283336, and modifying decision # L0008568535 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective December 1, 2024.<sup>1</sup> On April 18, 2025, claimant filed an application for review of Order No. 25-UI-288616 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant did not state that she provided a copy of her argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 25-UI-288616 allowing claimant's request to reopen the hearing. That part of Order No. 25-UI-288616 is **adopted**. *See* ORS 657.275(2).

<sup>1</sup> Although Order No. 25-UI-288616 stated it affirmed decision # L0008568535, it modified that decision by changing the disqualification period. Order No. 25-UI-288616 at 5.

**FINDINGS OF FACT:** (1) St. Mary's Home for Boys, Inc. employed claimant as a residence counselor from October 7, 2024, through December 6, 2024. The employer operated a youth residential treatment facility.

(2) When incidents arose involving the facility's residents, the employer required one of the employees involved in or a witness to the incident to draft and sign an incident report. The employer's procedure required the report to be reviewed by a manager or senior staffer "for verbiage and timelines and making sure that all of the details make sense[.]" Transcript at 17. The report would then typically return to the original drafter so that they could implement any suggested edits and sign the report again before the report was submitted to the state. In some cases, the person who suggested the edits would implement them and then sign the final version of the report, or another senior staffer could be chosen to finalize the report if the original drafter was not available.

(3) Prior to working for the employer, claimant had a background in law enforcement, which included being regularly required to complete incident reports. When claimant began working for the employer, she was concerned the employer's incident report practices, described above, was tantamount to "people signing their names on false documents that [claimant] wrote and stuff[.]" Transcript at 8–9. Claimant was concerned that this practice could harm her professional reputation.

(4) Claimant's incident reports were altered, or signed by other people, in accordance with the employer's procedure several times over the course of her employment. Claimant would typically learn of this within a few days after she initially drafted a report. Claimant brought her concerns about the incident report procedure to several members of management over the course of her employment. Each person she spoke to about her concern essentially expressed to claimant, "[t]his is how we do reports," and did not offer her any help. Transcript at 11. Claimant eventually set a meeting with the head manager of the facility for December 6, 2024, to discuss her concerns about the incident report process.

(5) On December 6, 2024, the head manager of the facility canceled the meeting that claimant had set, and turned down claimant's efforts to reschedule it. On the same day, claimant learned that another employee had recently "signed off on [claimant's] incident report when they were not even involved in the incident report or even in the building of the incident report," but had "said she could sign off just because she knew about it." Transcript at 7. On December 6, 2024, after learning of this most recent instance of another person signing off on her incident report, and believing that the employer was not going to address her concerns, claimant resigned. Claimant resigned because of her concerns that the employer's incident report procedure could have negative effects such as harm to her professional reputation.

**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 was concerned that the employer's incident report procedure could have negative effects such as harm to her professional reputation. The most recent occurrence of this issue, in which another employee "signed off on [claimant's] incident report when they were not even involved in the incident report or even in the building of the incident report," happened shortly before claimant quit, and claimant learned about it on the day that she quit. Prior to this, claimant had spoken to multiple members of the employer's management team, but each person she spoke to declined to offer her help, and reiterated to claimant that the process was "how [they] do reports." The head manager of the facility did not engage with claimant about her concern.

Claimant's concern with the incident report process included that the alterations to the report, or signatures by persons other than the original drafter of a report, constituted falsification of those reports, which could damage her professional reputation. Claimant also testified that the reports are "legal documents... [that] go to court[.]" Transcript at 11. Thus, claimant also appeared to suggest that she was concerned about legal liability she could potentially incur due to this alleged falsification. However, claimant's concerns are not supported by the evidence in the record.

At hearing, claimant offered no details about the actual information that was altered in any of the reports that she drafted or was otherwise involved in. Neither did claimant, for instance, allege that she was encouraged to materially alter the contents of a report, or sign off on a report that she knew to be false. Claimant also did not explain, in detail, the actual legal duty that was required of her when drafting or signing off on incident reports, or how the employer's process differed from those duties. Instead, claimant relied on broad statements which claimed wrongdoing on the employer's part without actually showing it.

Additionally, the employer's incident report process itself, as described at hearing, appears reasonable on its face. It is understandable that the employer would want to ensure accuracy and consistency of language in their reports. The description of the process—that the reports are "reviewed by senior managers or senior staff for verbiage and timelines and making sure that all of the details make sense"—is consistent with such an aim, and does not show that the employer either intended or permitted falsification of reports. Similarly, claimant did not show how another employee signing off on claimant's own report would be tantamount to falsification or fraud, or even how such a signature could put claimant's professional reputation in jeopardy.

In sum, because claimant has not shown that her concerns about the employer's incident report procedure actually posed a threat to her reputation or a risk of legal liability, claimant has not met her burden to show that she faced a situation of such gravity that she had no reasonable alternative but to quit. As such, claimant voluntarily quit work without good cause, and is disqualified from receiving unemployment insurance benefits effective December 1, 2024.

**DECISION:** Order No. 25-UI-288616 is affirmed.

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

**DATE of Service: May 20, 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 باتباع 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**

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)

Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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