

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0270**

*Affirmed*  
*Late Request for Hearing Allowed*  
*Disqualification*

**PROCEDURAL HISTORY:** On August 9, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective June 30, 2024 (decision # L0005567445).<sup>1</sup> On August 29, 2024, decision # L0005567445 became final without claimant having filed a request for hearing. On September 4, 2024, claimant filed a late request for hearing. ALJ Scott considered the request, and on September 18, 2024, issued Order No. 24-UI-266516, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by October 2, 2024. On September 23, 2024, claimant filed a timely response to the appellant questionnaire. On April 11, 2025, and continuing on April 25, 2025, ALJ Honea conducted a hearing, and on May 2, 2025, issued Order No. 25-UI-291257, cancelling Order No. 24-UI-266516, allowing claimant's late request for hearing, and affirming decision # L0005567445 on the merits. On May 6, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB did not consider claimant's written argument because she 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). Further, claimant's argument requested reopening of the hearing in order to acquire and submit additional documentary evidence. OAR 471-040-0040(1)(a) (February 10, 2012) provides that a

<sup>1</sup> Decision # L0005567445 stated that claimant was denied benefits from June 30, 2024 to July 12, 2025. However, decision # L0005567445 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 30, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

hearing may be reopened only if the party requesting the reopening failed to appear at the hearing, which is not the case here.

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-291257 allowing claimant's late request for hearing. That part of Order No. 25-UI-291257 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) ESS Tech, Inc. employed claimant as a quality inspector from October 21, 2021, through July 3, 2024.

(2) Beginning in late 2023, claimant had a contentious relationship with a lead worker, S., who was not her direct supervisor. Claimant believed that S. was "constant[ly] micromanaging" her, "criticizing [her] and telling [her] that [she's] not good enough," made "racist" statements, and unfairly treated her differently than other employees. April 22, 2025, Transcript at 34, 37, 44.

(3) On or around November 2023, claimant began keeping a private log of incidents involving S. Some examples listed by claimant involved S. commenting on the pace or quality of her work, redirecting her focus to prioritizing other tasks or asking her to perform tasks in different ways, not allowing her to listen to music while performing a certain task but later listening to music himself while performing that task, and generally expressing dissatisfaction about claimant working with earphones in. Claimant, who is white, noted that on December 1, 2023, S. commented regarding two coworkers of Asian descent traveling to Asia, "[E]veryone is going yellow." Exhibit 2 at 1. The most recent entry in the log was dated May 7, 2024, and described a dispute with S. over whether claimant had taken her morning rest break by leaving her workstation to retrieve medication from her car, then engaging in personal conversations with a coworker and supervisor. Exhibit 2 at 3.

(4) During her employment, claimant complained to several members of management and the human resources department about S., though no record of any complaint was noted in the employer's files and no action was taken against S. Claimant received a warning for an isolated violation of policy in April 2024, but her supervisor was otherwise satisfied with her performance.

(5) In late January and early February 2024, claimant took a protected leave of absence following an injury sustained in an accident.

(6) From June 5, 2024, through June 21, 2024, claimant was granted another period of protected leave due to nausea and vomiting.

(7) On July 3, 2024, claimant reported for work at 6:30 a.m. At approximately 7:00 a.m., claimant vomited blood. Claimant had not vomited blood before. Claimant attributed this condition to the stress of working with S., and at 7:29 a.m., sent an email to the employer resigning with immediate effect. The email stated, "I have been asking for help for over a year dealing with a specific person and nothing has been done or accomplished. All the help I have and protection I have asked for for over a year has gone nowhere. I have panic attacks, I can't eat, I can't sleep, I vomit, I have been hospitalized 2 times. You need to figure something out cause no one should have to deal with this." Exhibit 1 at 4. Claimant did not work for the employer thereafter.

(8) Later that day, at approximately 3:00 p.m., claimant went to the hospital seeking treatment for having vomited blood. Claimant was diagnosed with high blood pressure and ulcers, and treated with fluids and medication.

(9) On July 26, 2024, claimant wrote to the employer that she was willing to return to work with several conditions, foremost among them that she have no contact with S. The employer rejected this proposal without explanation.

**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 quit work because on July 3, 2024, she vomited blood, and attributed this condition to the stress of working with S. OAR 471-030-0038(4) provides, “For an individual with a permanent or long-term ‘physical or mental impairment’ (as defined at 29 CFR §1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual, would leave work.” However, claimant asserted that she had vomited blood on only a single occasion, moments before she quit work, and had been suffering from nausea and vomiting for approximately three weeks prior to that date.<sup>2</sup> April 11, 2025, Transcript at 49. In January 2024, claimant suffered an injury apparently involving a concussion that resulted in time off work, but did not suggest that this was related to the health problems she would later experience in June 2024. The record contains little information regarding claimant having had panic attacks or difficulty eating or sleeping, other than being mentioned in her resignation email. Claimant did not suggest that the conditions related to vomiting blood continued after receiving treatment on July 3, 2024, and she was willing to return to work as of July 26, 2024. Therefore, more likely than not, claimant did not have a “permanent or long term” physical or mental impairment, and the standard good cause analysis applies.

In her resignation letter, claimant cited health problems for which she had been hospitalized, and implied that they were attributable to “dealing with” S. over the preceding year. Exhibit 1 at 4. The difficulties she encountered in working with S., as detailed in her testimony and a log she contemporaneously kept, involved comments she found offensive, and conflict related to what she regarded as “micromanaging” and being overly critical of her work. April 11, 2025, Transcript at 37. Claimant was asked what the “most recent instance” was of a “racist or homophobic” statement being made, and claimant cited the December 1, 2023, statement S. made regarding her coworkers’ race and travels. April 11, 2025, Transcript at 46. While this statement was inappropriate, the record suggests that

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<sup>2</sup> That claimant’s period of protected leave for this reason started on June 5, 2024 suggests that this condition may have begun approximately a month prior to the work separation.

this was not part of a pattern of racially offensive statements or behavior, and was not directed at claimant.

Claimant was also asked what the “most recent work incident that caused [her] stress prior to [her] decision to quit” was, and claimant provided no specific incidents, replying, “[P]retty much anything that had to do with [S.]” April 11, 2025, Transcript at 37. The final entry in claimant’s log of S.’s behavior that she found objectionable was dated May 7, 2024, and described an incident where claimant, by her own admission, left the building and was not engaged in work for a period of time thereafter while she had personal discussions with others. S. considered this to have constituted claimant’s morning break, while claimant maintained that it did not “count as a break,” and she was still entitled to her regularly scheduled break later that morning, which she took. Exhibit 2 at 3. The other complaints documented in the log were of similar nature and import. Claimant testified that she regularly complained about S. to several members of management and the human resources department, which the employer failed to rebut through testimony and showed only that the employer’s records did not reflect such complaints being documented. April 11, 2025, Transcript at 42-43; April 25, 2025, Transcript at 8.

While claimant strongly disapproved of S.’s leadership style, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not find it unbearable or quit work for that reason alone. However, in mid-2024, claimant was also experiencing health problems. In June 2024, claimant was treated for nausea and vomiting such that she was granted protected leave from June 5, 2024, through June 21, 2024. Claimant attributed these symptoms to the stress of her relationship with S., though the record does not show whether claimant’s medical providers agreed with this attribution. The record does not suggest that there was any specific incident or escalation in the issues claimant had with S. during June 2024 or the first few days of July 2024. Yet, on July 3, 2024, when claimant vomited blood shortly after arriving at work, she immediately attributed it to the stress of working with S. and decided to quit work for that reason. The diagnosis claimant received at the hospital later that day was high blood pressure and ulcers, which claimant maintained was the result of the stress she experienced at work. Because claimant believed her worsening health condition was caused or exacerbated by the stress of working with S., it would have led a reasonable and prudent person under the same circumstances to quit work. Claimant therefore faced a grave situation.

However, claimant had a reasonable alternative to leaving work. Claimant resigned approximately 30 minutes after she first vomited blood, and did so without first seeking diagnosis or treatment of that specific symptom. Claimant had convinced herself that working with S. was causing or worsening her health problems, but it would have been reasonable for her to see whether a medical provider agreed that the work environment was contributory. If claimant’s medical provider found that the condition could be resolved through medication and time off from work, or similar treatment, it would have been reasonable for claimant to pursue such a course of treatment while maintaining the employment relationship.

Moreover, if the medical provider concluded that workplace stress was contributing to the condition, it would have been reasonable for claimant to seek workplace accommodations with the provider’s support, such as limiting contact with S. Though the employer had not been responsive to claimant’s complaints about S. in the past, which largely amounted to disagreements over S.’s leadership style, it is reasonable to infer that the employer’s response would differ if they knew that, in the opinion of a medical professional, claimant’s health was impacted. The employer had granted claimant periods of

protected leave twice in the first half of 2024, and their human resources representative testified that if claimant had made a formal accommodation request, which was “absolutely encouraged” if needed, the employer would have engaged in an “interactive process” toward fulfilling the request. April 25, 2025, Transcript at 10. Though the employer rejected claimant’s July 26, 2024, request to be rehired on condition that she not have to work with S., this does not evince that the employer would have rejected an accommodation request of a similar nature while she was still employed, as the employer’s decision not to rehire claimant could have been based on other reasons, such as claimant having quit mid-shift without notice. Therefore, more likely than not, pursuing these alternatives would not have been futile. Accordingly, claimant had a reasonable alternative to leaving work, and therefore left without good cause.

For these reasons, claimant voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective June 30, 2024.

**DECISION:** Order No. 25-UI-291257 is affirmed.

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

**DATE of Service:** June 11, 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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Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.