

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0295**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 12, 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 1, 2024, through November 29, 2025 (decision # L0009749316). Claimant filed a timely request for hearing. On May 5, 2025, ALJ Hall conducted a hearing, and on May 13, 2025, issued Order No. 25-UI-292156, reversing decision # L0009749316 by concluding that claimant quit with good cause and was not disqualified from receiving benefits based on the quit. On May 16, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) St. Charles Health System, Inc. employed claimant as a public safety officer at their facility in Redmond, Oregon from February 24, 2025, through February 27, 2025. The nature of the public safety officer position inherently carried the risk of violent or physical altercations, as it required the officer to intervene when a person posed a security risk to staff or patients at the employer's medical facility.

(2) In 2011, claimant underwent surgery for colon cancer that resulted in a permanent abdominal stoma, requiring him to use a colostomy bag. Claimant's surgeon warned him to be "extremely cautious... to prevent potential blunt force trauma to the abdominal area," as such trauma could rupture the stoma and cause claimant to bleed out. Transcript at 7.

(3) From 2012 through 2024, claimant worked in security positions for other employers. In those positions, claimant always worked with at least one other officer when confronting persons who posed security risks.

(4) When claimant applied for the position with the employer, he assumed that he would be assigned to work with at least one other officer on shift so that he would not have to face potential assailants alone. Once claimant started the employer's training process, however, he learned that this was not the case, and that the Redmond facility only had one public safety officer working during any given shift.

Claimant was concerned about this, as working alone could potentially result in his being unable to manage an assailant by himself and therefore risk an injury that would rupture his stoma. Claimant raised this concern with the employer, who then offered to purchase “ostomy armor” for claimant so that he could protect his stoma while working. Transcript at 7. Claimant declined this offer, as he was familiar with and had used similar products on the market previously, and understood them to be insufficient to safeguard him from blunt force trauma to his abdomen. Claimant did not determine specifically what type of safety gear the employer would have purchased for him.

(5) Claimant also discussed with the employer the potential of transferring to the employer’s larger facility in Bend, Oregon. However, the discussion “never... went any further than that.” Transcript at 10. Further, while the employer scheduled more than one officer on duty for any given shift, those officers worked separately in different parts of the facility, and did not patrol the facility together.

(6) On February 27, 2025, claimant quit work because he was concerned that working alone would expose him to the risk of blunt force abdominal trauma if he were assaulted in the course of his duties.

**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). Claimant had a permanent abdominal stoma resulting from colon cancer surgery, 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 work because he was concerned that working alone would expose him to the risk of blunt force abdominal trauma if he were assaulted in the course of his duties. There is no dispute in the record that such an assault on a public safety officer during the course of duty was possible. Because of claimant’s abdominal stoma, such an assault could cause claimant to bleed out. Given claimant’s heightened vulnerability to serious or fatal injuries, the risk posed by working alone constituted a grave situation.

Further, claimant had no reasonable alternative but to quit. The record shows only two potential alternatives to quitting that were considered: a safety device, provided by the employer as an accommodation for claimant’s condition, and a transfer to a different facility where more than one officer would be on staff at a time. As to the former, while claimant did not wait to find out which device, specifically, the employer would have provided him with, claimant was already familiar with similar devices on the market and knew that they were not sufficient to protect him from a blunt-force attack. Given that claimant had been living with his condition for nearly 15 years at the time he began working for the employer, as well as the fact that he had been working in the security field for over a

decade, it can be reasonably inferred that claimant was well-versed in the types of devices available on the market and would likely have known if a sufficiently robust device was available. Because claimant was not aware of any that would have sufficiently protected him from a blow to his abdomen, and the record does not otherwise show that such a device existed, the record does show that accepting the employer's offered accommodation likely was not a reasonable alternative to quitting.

As to the latter, although it is not clear whether claimant could have actually transferred to the Bend facility, doing so would not have been a reasonable alternative to quitting even if it was possible. Although the Bend facility scheduled more than one officer to work during any given shift, the employer assigned those officers to work alone in different parts of the facility. Therefore, in the case of a sudden physical altercation, claimant likely would have been left to defend himself without immediate backup. Working at the Bend facility would not have meaningfully mitigated the risk, and therefore was not a reasonable alternative to quitting.

For the above reasons, claimant quit work for a reason of such gravity that he had no reasonable alternative to quit. Claimant therefore quit work with good cause, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

**DECISION:** Order No. 25-UI-292156 is affirmed.

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

**DATE of Service:** June 17, 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**

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

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

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