

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0299**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On January 27, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective December 15, 2024 (decision # L0008940696).<sup>1</sup> Claimant filed a timely request for hearing. On May 12, 2025, ALJ Murdock conducted a hearing, and on May 16, 2025, issued Order No. 25-UI-292526, affirming decision # L0008940696. On May 20, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant filed written arguments on May 20, 2025, and June 2, 2025. EAB did not consider claimant's May 20, 2025, 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). Additionally, both arguments 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. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's June 2, 2025, argument that was based on the hearing record.

**FINDINGS OF FACT:** (1) Mastertech Security Services, Inc. employed claimant as their general manager from July 17, 1995, through December 20, 2024.

(2) For the majority of her tenure with the employer, claimant reported directly to one of the owners of the company, with whom claimant worked well. In or around 2021, that owner died, and was succeeded by her daughter. Thereafter, claimant began reporting directly to the former owner's daughter ("the new owner").

<sup>1</sup> Decision # L0008940696 stated that claimant was denied benefits from December 15, 2024, to January 3, 2026. However, decision # L0008940696 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.

(3) From the outset, claimant found it difficult to work with the new owner, whom claimant felt was “extremely disrespectful” towards her. Transcript at 5. Claimant felt this way because the new owner had engaged in conduct such as “threaten[ing] [claimant] for a variety of different things” and having “called [claimant] out” in front of claimant’s employees. Transcript at 5.

(4) In one instance, the new owner asked claimant for a particular report which claimant then told her did not exist. After discussing the matter, the new owner “yelled” to claimant, “Are you the only person that works here?” to which claimant responded that she was not, but was “the person that knows the most about reports.” Transcript at 9–10. The new owner never “yelled” at claimant on any other occasion.

(5) In another instance, the new owner asked claimant how long it would be until a software upgrade that claimant and her team had been working on was ready to “go live.” Transcript at 6. Claimant told the new owner that it would probably be at least six months before the upgrade was ready, but the new owner then responded that they would “go live” in about two months. Transcript at 6. Claimant was frustrated with this response, which she felt was unrealistic, particularly as the new owner had not been involved in the development of the upgrade.

(6) In another instance, after claimant sent out an email to all of the employer’s customers “regarding a recent internet issue” the employer had experienced, the new owner “admonished” claimant for having sent the email without giving the new owner a chance to review it, despite the fact that claimant had never previously been told that such approval was required. Transcript at 5–6.

(7) Claimant felt that her interactions with the new owner were impacting her mental health, as claimant was regularly “on the verge of a panic attack” after conversing with her. Transcript at 11. Additionally, starting in or around 2022, claimant began experiencing “back issues,” for which she initially sought physical therapy. Transcript at 12. Claimant was ultimately diagnosed with fibromyalgia, and came to believe that the stress and anxiety of working with the new owner exacerbated the symptoms of that condition.

(8) On December 17, 2024, claimant had a meeting scheduled with the new owner. Claimant understood the meeting to be regarding a new employee. However, when claimant arrived at the meeting, the new owner “admonish[ed]” claimant for “some scheduling errors” that had been made by one of claimant’s direct reports. Transcript at 8. Claimant was frustrated by this interaction, as she felt that the new owner had treated her unprofessionally.

(9) On December 20, 2024, claimant resigned with immediate effect. Although she had originally been planning to stay at the company for another two years until she retired, claimant felt that she was no longer willing to “continue sacrificing... [her] mental and physical health” by continuing to endure the stress of working with the new owner. Transcript at 5. After quitting, claimant found that “most” of her symptoms had resolved. Transcript at 11–12.

(10) Prior to claimant’s resignation, one of the employer’s human resources (HR) representatives had encouraged claimant to meet with the new owner in person to discuss their differences, and offered to mediate the discussion to help reach a resolution. However, “nothing ever got scheduled,” and this meeting did not occur. Transcript at 17–18. Additionally, the employer would have offered claimant a

leave of absence to address her medical concerns if she had requested one. Claimant did not do so, however, as she believed that the employer would have been unlikely to grant the request because of upcoming work deadlines.

**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 fibromyalgia, 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 voluntarily quit work due to the stress and anxiety of working with the new owner, which she also believed had been exacerbating her fibromyalgia-related back issues. Considering the resolution of most of her symptoms after she quit, it is reasonable to conclude that the stress and anxiety were in fact exacerbating claimant’s fibromyalgia and related symptoms. However, even if this was a grave situation, claimant has not shown that she faced a situation of such gravity such that she had no reasonable alternative but to quit.

The record shows that two reasonable alternatives to quitting were available to claimant, neither of which she pursued. First, claimant could have attempted to resolve her differences with the new owner in an effort to improve their working relationship. Although claimant described at hearing several different incidents in which she felt that the new owner had treated her poorly, none of the described incidents depicted the owner as being abusive or otherwise inherently unreasonable. Instead, the new owner appeared to simply be occasionally somewhat brusque and confrontational. In other words, the conflict between the two appears to have been a clash of personalities. While this clash might have been irreconcilable, claimant has not met her burden to show that it was. For instance, claimant did not show that she personally made any efforts to resolve her differences with the new owner. Likewise, while an HR representative had offered to mediate between claimant and the new owner, such a mediation never occurred. A reasonable and prudent person in similar circumstances, even one suffering from claimant’s chronic condition, would have made some effort to improve their working relationship with their supervisor before concluding that they could no longer work together. Making such an effort would therefore have been a reasonable alternative to quitting.

Likewise, the record shows that the employer would have offered claimant a leave of absence to address her medical issues prior to quitting, had she requested one. Claimant did not do so because she believed that, due to looming deadlines, the employer would not have approved such a request. However, claimant did not offer any basis for this belief. As such, and in light of the employer’s testimony that

claimant would have been allowed to take medical leave,<sup>2</sup> claimant has not shown by a preponderance of the evidence that the employer would have denied such a leave request if claimant had pursued it. Therefore, requesting a leave of absence would not have been futile.

Further, pursuing a leave of absence would have been a reasonable alternative to quitting. Although claimant's underlying condition (fibromyalgia) might not have been entirely resolved if she took time off of work, it was a new diagnosis and it is possible that taking time off of work could have allowed claimant to both rest and learn methods to more effectively manage stress or its effects on her fibromyalgia. Under the circumstances, a reasonable and prudent person suffering from fibromyalgia would have taken such steps to try to manage their condition before quitting.

For the above reasons, claimant failed to seek reasonable alternatives to quitting, and therefore did not voluntarily quit work for a reason of such gravity that she had no reasonable alternative but to quit. Claimant therefore voluntarily quit work without good cause, and is disqualified from receiving unemployment insurance benefits effective December 15, 2024.

**DECISION:** Order No. 25-UI-292526 is affirmed.

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

**DATE of Service:** June 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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<sup>2</sup> Transcript at 17.



# 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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