

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0317

Affirmed
No Disqualification

PROCEDURAL HISTORY: On March 11, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer with good cause and was not disqualified from receiving benefits based on the work separation (decision # L0009753560). The employer filed a timely request for hearing. On May 21, 2025, ALJ Blam conducted a hearing, and on May 27, 2025, issued Order No. 25-UI-293247, affirming decision # L0009753560. On May 30, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Clatsop Community College employed claimant as a custodial maintenance assistant from January 8, 2018, through December 31, 2024.

(2) Claimant worked a nighttime shift for the employer, which required him to commute on “long country roads” which were dark at night. Transcript at 7. Claimant also worked by himself, cleaning up to five buildings per shift on the employer’s campus.

(3) During the course of his employment, claimant’s supervisor and manager made comments about his age that claimant felt constituted age-based harassment or discrimination. Claimant never spoke to the employer’s human resources (HR) department about these concerns.

(4) In or around August 2024, claimant was diagnosed with hypertension. This condition often caused claimant to feel light-headed at work, which led him to fear that he could fall down or pass out at work with nobody around to help him.

(5) Toward the end of his tenure with the employer, claimant’s night vision became progressively worse, ultimately causing him to have difficulty with driving at night.

(6) In late 2024, claimant passed out at work, causing him to hit his head.

(7) In or around December 2024, claimant notified the employer that he would be quitting at the end of the year. Claimant quit primarily because of his difficulty in getting to and from work due to his poor night vision and because of his concerns about working alone while he was at risk of passing out.

(8) Prior to quitting, claimant did not notify the employer of his concerns about driving after dark. Had he done so, the employer might have been able to schedule claimant to work an earlier shift. However, that shift ended at 10:00 p.m. Claimant did not seek a leave of absence to address his medical concerns prior to quitting.

(9) On December 19, 2024, claimant worked his final shift for the employer. Thereafter, claimant used accrued paid time off through December 31, 2024. On December 31, 2024, claimant quit work.

(10) Some time in 2025, after he quit, claimant was diagnosed with diabetes. Claimant was not aware that he had diabetes before he quit work.

CONCLUSIONS AND REASONS: Claimant voluntarily 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 hypertension and diabetes,¹ permanent or long-term “physical or mental impairments” as defined at 29 CFR §1630.2(h). A claimant with such 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 due to two separate safety concerns relating to his medical conditions, as well as his concerns about his supervisor and manager engaging in a pattern of apparent age-related harassment or discrimination. At hearing, claimant testified that he “mainly” quit due to his concerns about driving after dark. Transcript at 8. However, claimant’s concerns about passing out at work due to his hypertension appeared to have arisen fairly close in time to when he quit, particularly as the incident in which he actually passed out at work occurred shortly before he quit. Given this correlation in time, it can be reasonably inferred that this concern was a proximate cause of his decision to quit.

Conversely, while claimant’s concern about age-based harassment or discrimination might also have contributed to his decision to quit, the record suggests that these concerns arose early in his tenure with the employer and persisted for much or all of that time. At hearing, claimant testified on that point that “it had been a stressful situation for... the whole six years.” Transcript at 7. Given that claimant endured this “stressful situation” for so long, it stands to reason that, despite the harassment or discrimination, claimant likely would not have quit at the time that he did if not for the two medically-related concerns

¹ Although claimant was not diagnosed with diabetes until after he quit, it can be reasonably inferred that the condition had developed some time earlier, such that it would be considered a long-term or permanent impairment.

that arose towards the end of his time with the employer. As such, the record shows that the latter two concerns were the proximate causes of his decision to quit, and are the proper focus of the good-cause analysis.

To the extent claimant quit due to his progressively-worsening night vision, claimant had good cause to quit. As driving at night without the ability to see clearly could lead to dangerous or fatal outcomes, claimant faced a grave situation. Further, claimant had no reasonable alternative but to quit. While claimant did not attempt to address his concerns about this issue with the employer, the record shows that the only alternative to working the night shift would have been an earlier shift which ended at 10:00 p.m. Thus, because claimant would still have been required to drive at night to get home from work, that would not have eliminated the problem of his poor night vision and, therefore, would not have been a reasonable alternative. The record does not show that any other alternatives to quitting would have addressed this concern.

To the extent that claimant quit due to his concerns about passing out while at work, claimant also had good cause to quit. Because claimant worked alone, it is possible that he could have, for instance, passed out in such a way as to seriously injure himself while he fell, and that he could lay injured for several hours before help arrived. Thus, claimant faced a grave situation. Claimant's concern appeared to arise from his hypertension, and possibly his then-undiagnosed diabetes. The record does not show when, if at all, claimant was able to treat these conditions sufficiently so that passing out at work was no longer a concern. However, given that claimant received the hypertension diagnosis at some point in or around August 2024, the fact that he passed out and hit his head at work close to when he quit suggests that towards the end of 2024, one or both of those conditions were not adequately controlled to allow him to safely work by himself. The record does not show that any alternatives to working alone, such as being assigned to work with another employee, was available to claimant. Nor does the record show that claimant expected, or had reason to expect, that the underlying causes of his lightheadedness and passing out would resolve in a short enough period of time that taking time off of work would have been a reasonable alternative to quitting. Here as well, the record does not show that any other alternatives to quitting would have addressed this concern.

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

DECISION: Order No. 25-UI-293247 is affirmed.

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

DATE of Service: July 2, 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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