

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0366

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 1, 2025, 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 February 23, 2025 (decision # L0010096560).¹ On May 16, 2025, the Department served notice of an administrative decision containing the same conclusions as decision # L0010096560 (decision # L0010903099).² Claimant filed a timely request for hearing on each decision. On June 3, 2025, ALJ Parnell conducted a consolidated hearing, and on June 9, 2025, issued Orders No. 25-UI-294443 and 25-UI-294441, affirming decisions # L001096560 and L0010903099, respectively. On June 13, 2024, claimant filed applications for review of Orders No. 25-UI-294443 and 25-UI-294441 with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 25-UI-294443 and 25-UI-294441 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0366 and 2025-EAB-0367).

FINDINGS OF FACT: (1) PacificSource employed claimant as a customer service representative from July 8, 2024 through February 28, 2025.

¹ Decision # L0010096560 stated that claimant was denied benefits from February 23, 2025 to March 22, 2025. However, decision # L001096560 should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 23, 2025, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

² Decision # L0010903099 stated that claimant was denied benefits from February 23, 2025 to April 11, 2026 based on the same work separation and, as with decision # L001096560, should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 23, 2025, and until she earned four times her weekly benefit amount. The Department issued decision # L0010903099 because claimant remained disqualified based on this work separation after the March 22, 2025 end date that was erroneously stated in decision # L001096560.

(2) Claimant had several points of dissatisfaction with her job throughout the time she was employed. These included heavy call volume, the repetitive nature of the calls, dealing with difficult customers, perceived lack of support from leadership, and the sedentary nature of her job. Claimant believed that these stressors led to her gaining weight, and her blood pressure and A1C levels increasing. Claimant sought medical treatment during her employment for these conditions.

(3) In October and November 2024, claimant requested a transfer to a customer service position she believed would be less stressful because it did not focus on resolving customer complaints. The employer responded each time that their policy was not to allow transfers until completion of six months of employment. Claimant did not suggest to the employer that the request to transfer was for health reasons, and did not request a transfer again after completing six months of employment on January 8, 2025.

(4) In late January 2025, the employer announced that mandatory overtime would be temporarily required of some employees, including claimant, with the effect of reducing her lunch break from 45 to 30 minutes and extending her workday by one hour. Such overtime was mandated annually for the employer's "busy season," beginning February 1 and lasting several weeks. Transcript at 21. In response to the announcement, claimant told her supervisor that the job was "getting hard" and "becoming too overwhelming." Transcript at 7. The supervisor encouraged claimant to "just hang in there." Transcript at 8. Claimant's supervisor did not understand claimant's concerns to be health related or a request for specific workplace accommodations.

(5) On February 14, 2025, claimant sent an email to the employer giving notice of her resignation effective February 28, 2025. In the email, claimant cited only "personal reasons." Transcript at 19. By this, claimant was referring to the various job stressors that she attributed to her declining health. Claimant's doctor had not specifically advised her to quit work, but inquired at visits whether claimant had found employment more to her liking.

(6) At the time of claimant's resignation, she was eligible to take paid or unpaid leave for medical reasons, and had been advised of leave availability at hire in an employee handbook. Claimant did not explore Paid Leave Oregon or Family and Medical Leave Act (FMLA) benefits because she "assum[ed] that would mean something tax related, and [she] didn't want to mess up [her] taxes." Transcript at 13.

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 elevated blood pressure and A1C levels, permanent or long-term "physical or mental impairments" 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 working for the employer due to health concerns she attributed to several job stressors and points of dissatisfaction. Many of these existed throughout claimant's employment, and the timing of her resignation suggests that the employer's temporary implementation of mandatory overtime was the biggest factor in claimant's decision to quit work when she did. Claimant expressed her displeasure with the work environment to her doctor, who did not expressly advise her to quit her job, but also did not dissuade her from believing that her worsening health was related to the stressors of her job. Under the circumstances, claimant faced a grave situation.

However, claimant had reasonable alternatives to leaving work. The employer's human resources representative testified that claimant was eligible to take sick leave or apply for protected leave under Paid Leave Oregon or FMLA. Transcript at 23. Claimant failed to rebut the inference that taking such leave to see if it stabilized or improved her medical condition would have been reasonable, testifying that she did not explore these leave options due to unexplained tax concerns. Transcript at 13.

Furthermore, claimant did not ask the employer for an exemption from mandatory overtime or other accommodations based on her health issues, which also would have been a reasonable alternative to quitting. Claimant testified that she believed the January 2025 meeting with her supervisor, in which she complained that her job duties were "hard" and "overwhelming" without explicitly connecting those feelings to her health problems, should have prompted the supervisor to "escalate" the matter to human resources and proactively offer accommodations to claimant. Transcript at 13. However, the record does not show that the employer had reason to be aware of claimant's health problems, and it therefore would have been reasonable for claimant to make them known to the employer and specify what actions claimant wanted them to take in response.

Finally, claimant testified that transferring to a different type of customer service position offered by the employer would have resolved some stressors by, for example, allowing her to serve customers who were generally less demanding and calling for reasons other than because they were dissatisfied with the employer's policies. *See* Transcript at 9. Claimant requested such a transfer in October and November 2024, but was told that she was ineligible for transfer until she had been employed for six months, which would occur on January 8, 2025. Claimant did not request a transfer after that time, which would have been a reasonable alternative to quitting under the circumstances. Accordingly, while claimant faced a grave situation, she had reasonable alternatives to leaving work and therefore left work without good cause.

For these reasons, claimant voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective February 23, 2025.

DECISION: Orders No. 25-UI-294443 and 25-UI-294441 are affirmed.

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

DATE of Service: July 22, 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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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