

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0392

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 2, 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 effective March 16, 2025 (decision # L0010590954).¹ Claimant filed a timely request for hearing. On June 24, 2025, ALJ Murray conducted a hearing, and on June 27, 2025 issued Order No. 25-UI-296233, affirming decision # L0010590954. On June 30, 2025, claimant filed an application for review of Order No. 25-UI-296233 with the Employment Appeals Board (EAB). On July 2, 2025, ALJ Murray issued Amended Order No. 25-UI-296587, which replaced Order No. 25-UI-296233, corrected the prior order's omission of the first two pages of its analysis, and affirmed decision # L0010590954. EAB treated claimant's June 30, 2025 application for review as retroactively applicable to Amended Order No. 25-UI-296587, and this matter comes before EAB based on that application for review.

FINDINGS OF FACT: (1) Staffmark Investment, LLC employed claimant as a virtual recruiter from April 2018 until March 21, 2025.

(2) In the summer of 2024, the employer underwent a company restructuring because of financial difficulties. At that time, the employer merged their virtual recruiting team, of which claimant was a member, with a different division. In the months that followed, the employer laid off hundreds of employees nationwide and closed offices in some cities.

(3) In December 2024, the employer began laying off some of claimant's fellow recruiters. At the beginning of March 2025, the employer laid off three of the five managers of claimant's division and assigned new leadership to manage the division.

¹ Decision # L0010590954 stated that claimant was denied benefits from March 16, 2025 to March 21, 2026. However, decision # L0010590954 should have stated that claimant was disqualified from receiving benefits beginning March 16, 2025 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(4) On March 17, 2025, the employer offered claimant and the other recruiters to be voluntarily laid off with a severance package that included seven weeks of pay and an assurance to pay a percentage of COBRA health insurance coverage following the voluntary leaving. The employer presented the severance package as a “one-time opportunity” and gave the recruiters two days to decide whether to accept. Audio Record at 19:51.

(5) The employer did not give claimant a specific lay-off date or otherwise confirm that they would end claimant’s employment. However, claimant believed that she would “eventually” be laid off and determined that taking a voluntary layoff with the severance package was a more attractive alternative than the possibility of being laid off without the severance package. Audio Record at 9:47. On March 19, 2025, claimant informed the employer that she had decided to take the severance package and planned to voluntarily leave work on March 21, 2025.

(6) Another issue that factored into claimant’s decision to leave work was that she had had an uncomfortable experience working with one of the employer’s offices in Texas. Claimant found that the Texas office had been negative in its communications about potential hires claimant’s team had sent the office. The Texas office had complained that members of claimant’s team had sent them potential hires who were qualified when screened virtually, but not when they appeared at the office in person, or had failed background checks or drug screens. The Texas office’s negative communications often made for an “uncomfortable situation” at work for claimant. Audio Record at 15:54.

(7) On March 21, 2025, claimant quit working for the employer, as planned.

(8) By June 2025, between involuntary layoffs and employees opting to take severance and be laid off voluntarily, the number of recruiters on claimant’s team had been reduced from 23 to five.

CONCLUSIONS AND REASONS: Claimant voluntarily left 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 failed to meet her burden to prove that she voluntarily quit work with good cause. The prospect that the employer might lay claimant off work eventually did not present claimant with a situation of such gravity that she had no reasonable alternative but to leave work when she did. Although the employer had been experiencing financial difficulties and had laid off many of claimant’s fellow recruiters and managers within her team, the employer did not give claimant a specific lay-off date or otherwise confirm that they would end claimant’s employment. Following involuntary layoffs or employees who took the offered severance and quit, five recruiters within claimant’s team remained employed as of June 2025. It therefore remained possible that the employer would not lay claimant off if

she had opted not to quit. Accordingly, it was not inevitable that claimant would be separated from work, and as claimant could have continued working for the employer and may never have been laid off, she did not establish that she faced a situation of such gravity that she had no reasonable alternative but to quit work.

To the extent claimant quit work because of the uncomfortable experience she and her team had had with the Texas office, claimant also failed to meet her burden to prove that she quit work with good cause. Claimant testified that the Texas office's negative communications caused her to experience an "uncomfortable situation" on a frequent basis. Audio Record at 15:54. However, the record fails to show that a reasonable and prudent person would quit work in response to the Texas office expressing that they were displeased with claimant's team's recruits. Claimant failed to describe the precise nature or severity of the negative communications her team received and so did not show that the Texas office's communications placed her in a situation of such gravity that she had no reasonable alternative but to quit when she did.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective March 16, 2025.

DECISION: Amended Order No. 25-UI-296587 is affirmed.

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

DATE of Service: August 1, 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.

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