

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0443**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On June 16, 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 March 2, 2025 (decision # L0011212600).<sup>1</sup> Claimant filed a timely request for hearing. On July 9, 2025, ALJ Blam conducted a hearing, and on July 16, 2025, issued Order No. 25-UI-297779, reversing decision # L0011212600 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On July 22, 2025, the employer filed an application for review of Order No. 25-UI-297779 with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Quantum Residential, Inc. employed claimant as an apartment community director from October 18, 2024 through March 4, 2025.

(2) Claimant's work involved interacting with tenants and prospective tenants of an apartment complex. From the start of claimant's employment, she was the subject of harassing behavior by a tenant, including coming into claimant's office and refusing to leave, stating that she would "catch [claimant] outside," threatening to injure claimant with a concealed knife, and driving by claimant's previous residence at night. Transcript at 10-11. Claimant reported this behavior to the police, her managers, and the employer's attorney. Some of claimant's managers were the targets of similar behavior by the tenant.

(3) At some point, the employer gave claimant authorization to evict the tenant, and the tenant moved out of the complex prior to the deadline set in the eviction notice. However, the tenant remained the

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<sup>1</sup> Decision # L0011212600 stated that claimant was denied benefits from March 23, 2025 to March 21, 2026. However, because decision # L0011212600 concluded that the work separation occurred on March 4, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 2, 2025, and until she earned four times her weekly benefit amount. See ORS 657.176.

guarantor on a relative's lease and the employer therefore allowed her to visit the complex and have contact with claimant despite the eviction.

(4) Claimant mistakenly believed that she could not request or be granted a protective order against the former tenant unless "six or more" acts of unwanted contact had occurred and therefore did not apply for one.<sup>2</sup> Transcript at 15. Claimant requested a transfer to another of the employer's properties, but the employer denied claimant's request because the employer's policy prohibited transfer if an employee had not been in their position for at least six months.

(5) In late February 2025, claimant saw a medical provider about the stress she experienced due to the former tenant's behavior. The provider recommended that claimant request protected leave under the Family and Medical Leave Act (FMLA), which she did. On February 28, 2025, the employer denied the request because claimant had not worked the minimum number of hours to be entitled to such leave.

(6) On March 4, 2025, claimant gave notice of her resignation with immediate effect. Claimant had not performed work since February 26, 2025. Claimant resigned because she was fearful of the former tenant, and claimant's efforts to prevent the former tenant from continuing to have contact with her were unsuccessful.

**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). 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.

ORS 163.732 provides, in relevant part:

(1) A person commits the crime of stalking if:

(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

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<sup>2</sup> ORS 30.866(a) states that the respondent in an action for issuance of a stalking protective order must have engaged in "repeated and unwanted contact with the petitioner[.]" ORS 163.730(7) provides that, as used in ORS 30.866, "repeated" means two or more times.

(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.<sup>3</sup>

\* \* \*

ORS 657.176 provides, in relevant part:

\* \* \*

(12) An individual may not be disqualified from receiving benefits under subsection (2)(c), (d) or (e) of this section or be considered unavailable for purposes of ORS 657.155 if:

(a) The individual or a member of the individual's immediate family is a victim of domestic violence, stalking, sexual assault or a bias crime, or the individual believes that the individual or a member of the individual's immediate family could become a victim of domestic violence, stalking, sexual assault or a bias crime; and

(b) The individual leaves work, fails to apply for available suitable work or fails to accept suitable work when offered in order to protect the individual or a member of the individual's immediate family from domestic violence, stalking, sexual assault or a bias crime that the individual reasonably believes will occur as a result of the individual's continued employment or acceptance of work.

\* \* \*

Claimant quit working for the employer due to a former tenant's behavior toward her. This behavior included refusing to leave claimant's office, threatening her and referring to injuring her with a concealed knife, and driving around claimant's former residence at night. The employer's only witness at hearing, the human resources director, did not rebut claimant's testimony that the behavior occurred, but asserted that he had personally been unaware that it was occurring until late February 2025. As the record shows that claimant was alarmed by the former tenant's repeated and unwanted contact, claimant's alarm was objectively reasonable, and claimant reasonably feared for her safety due to the behavior, claimant was the victim of stalking as that crime is defined by ORS 163.732(1).

Claimant took several actions to attempt to resolve this situation and preserve her employment. Claimant reported the behavior to her managers, some of whom were also targets of it, as well as to the police and the employer's attorney. Claimant sought and was granted permission to evict the tenant, which she successfully did, but this did not resolve the issue because the employer permitted the tenant to visit the complex thereafter based on her status as a guarantor on another lease. At the advice of the employer's attorney, claimant requested to transfer to a different property, but the employer denied the request. Claimant sought medical treatment for the stress caused by the situation and was advised to request protected leave, but the employer denied her request for leave under FMLA. Claimant considered

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<sup>3</sup> OAR 471-030-0150(3) (January 11, 2018) provides a definition of "stalking" for purposes of ORS 657.176(12) that is encompassed within the criminal definition, and for reasons explained herein, the behavior claimant experienced constituted "stalking" under either definition.

applying for a stalking protective order against the former tenant, but misunderstood the legal requirements for obtaining such an order, and therefore did not apply. Claimant had assumed, given her complaints to the employer's managers and attorney, that their human resources department was aware of the situation. However, claimant was incorrect in this assumption, and the human resources director learned of it in late February 2025. Nonetheless, the record does not suggest that the human resources department took any steps toward resolving the situation after learning of it. Therefore, after unsuccessfully trying to protect herself from the former tenant, claimant quit work because she reasonably believed that she would continue to be the victim of stalking as a result of her continued employment. Accordingly, under ORS 657.176(12) claimant is not subject to disqualification from benefits based on the work separation.

Moreover, even under the standard analysis set forth in OAR 471-030-0038(4), claimant had good cause for leaving work. Claimant faced a grave situation based on the continuing threat posed by the former tenant. As discussed above, claimant exhausted all reasonable alternatives to quitting by attempting, unsuccessfully, to prevent further unwanted contact. Accordingly, claimant quit work with good cause.

For these reasons, claimant voluntarily quit work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

**DECISION:** Order No. 25-UI-297779 is affirmed.

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

**DATE of Service:** August 28, 2025

**LEGAL ASSISTANCE:** Visit [www.oregonlawhelp.org](http://www.oregonlawhelp.org) for information about finding free or low-cost legal help in Oregon.

**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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