

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0445

Reversed
Disqualification

PROCEDURAL HISTORY: On March 4, 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 December 1, 2024 (decision # L0009607731).¹ Claimant filed a timely request for hearing. On June 26, 2025, ALJ Parnell conducted a hearing, and on June 30, 2025, issued Order No. 25-UI-296290, reversing decision # L0009607731 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On July 21, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered the employer's written argument in reaching this decision.

FINDINGS OF FACT: (1) Providence Health & Services Oregon employed claimant as a registered nurse case manager at one of their hospitals from May 5 through December 1, 2024. Claimant was assigned to the intensive care unit (ICU).

(2) In August 2024, claimant came under the supervision of a new manager. Because few patients were treated in the ICU compared to other hospital departments, claimant's new manager expected claimant to assign herself to do initial assessments of patients in other departments. Other case managers would be assigned to those patients after claimant did the initial assessments. Claimant believed that reviewing the patients' medical histories as needed to do the initial assessments was "a clear HIPAA violation"

¹ Decision # L0009607731 stated that claimant was denied benefits from December 1, 2024 to December 6, 2025. However, decision # L0009607731 should have stated that claimant was disqualified from receiving benefits beginning December 1, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

because she would not be involved in those patients' care thereafter.² Transcript at 8. The employer did not view accessing medical records for this purpose as a HIPAA violation.

(3) Claimant's new manager initially expected claimant to attend staff meetings called "huddles" held at 10:30 a.m. daily unless an emergency prevented her attendance. Transcript at 24. Claimant typically participated in interdisciplinary rounds each morning in the ICU, where various providers would review each patient's care together at bedside. These rounds lasted much longer in the ICU than in other departments, and often conflicted with the timing of the huddles. Claimant objected to the directive, believing that participating in the rounds was a better use of her time than attending the huddles, but claimant's manager disagreed and directed her to attend at 10:30 a.m. on Wednesdays and Fridays, and when rounds were concluded on all other days.

(4) Claimant was unhappy with her new manager's leadership style, particularly with the expectations regarding doing initial assessments outside the ICU and leaving rounds to attend huddles. Claimant also disliked that her desk was in the open on the ICU floor, while some other case managers had private offices in their departments. The new manager did not determine desk or office assignments, and claimant did not request a different workspace.

(5) On November 14, 2024, claimant met with her manager, who expressed disappointment with claimant's performance and placed her on an improvement plan. The manager cited claimant having missed "several" huddles, and failing to assign herself any initial assessments from other departments that morning. Transcript at 24. Claimant believed that she had missed only one huddle due to an emergency, and had assigned herself three initial assessments that morning. Claimant was upset by these allegations and felt that her manager was unable or unwilling to assess her performance fairly.

(6) Claimant had been treated for asthma since childhood. Following the November 14, 2024 meeting, claimant became so upset that she experienced an exacerbation of asthma symptoms. Later that day, claimant called the employer's "Integrity Hotline" to lodge a complaint against her manager. Transcript at 20.

(7) On Friday, November 15, 2024, claimant told an ICU doctor that she was not allowed to participate in rounds anymore due to the need to attend the huddle daily. The doctor then called claimant's manager, who relayed what claimant had actually been told about the attendance expectation. Later that day, the manager reiterated the expectation regarding huddle attendance to claimant, who expressed that she now understood that the expectation allowed for her to complete ICU rounds on most days.

(8) On November 19 and 20, 2024, claimant was absent from work. On November 20, 2025, claimant saw her medical provider regarding the exacerbation of asthma symptoms she attributed to the conflict with her manager. The medical provider advised claimant to "take some time off and address [her] symptoms." Transcript at 12. That day, claimant requested a period of protected leave under Paid Leave Oregon through December 1, 2024, which was approved.

(9) During the leave period, claimant sought transfers to other positions by contacting the manager of another department and applying to internal job postings. Claimant also sent emails to the human

² "HIPAA" refers to the Health Insurance Portability and Accountability Act of 1996, as amended.

resources department requesting their assistance in transferring to another position due to the conflict with her manager. In accordance with the employer's policy of not contacting employees about work matters while on protected leave, the employer did not contact claimant during the two-week leave regarding the complaints against her manager, transfer requests, or the alleged November 18, 2024 HIPAA violation, and intended to address these matters upon claimant's return to work. The selection process for the vacant positions to which claimant applied remained ongoing through the end of claimant's leave period.

(10) On December 1, 2024, the date claimant's protected leave was set to end, claimant gave notice of her resignation with immediate effect. Claimant resigned because she was unwilling to continue working with her manager and "received no help from the [employer] in getting another job." Transcript at 12. Symptoms of claimant's asthma exacerbation had resolved by that date, and claimant did not seek an extension of the protected leave. Some of claimant's coworkers also took issue with the new manager's leadership style and separated from employment in 2024 or 2025.

CONCLUSIONS AND REASONS: Claimant 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 asthma, 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 quit work due to a contentious relationship with her manager. The order under review concluded that this constituted a situation of such gravity that claimant had no reasonable alternative but to leave work. Order No. 25-UI-296290 at 3. The record does not support this conclusion.

During a November 14, 2024 meeting, claimant's manager expressed disappointment with claimant's work performance and placed claimant on an improvement plan. The deficiencies cited by the manager included claimant's failure to attend huddles on several occasions, and failure to assign herself initial assessments of patients in other departments that morning. Claimant disputed failing to attend huddles, except once due to an emergency, and not assigning herself initial assessments of patients that morning. Claimant also expressed disagreement with the soundness of these directives, believing that doing rounds was a better use of her time than attending huddles, and that reviewing patient records as necessary to do the initial assessments violated HIPAA because claimant would not be caring for those patients following the assessments. Additionally, claimant disliked that her workstation was located on the ICU floor, rather than in a private office like some of her colleagues' workstations, and felt "like it was discrimination against [her]." Transcript at 16-17.

Claimant did not show that the directives involving huddles or doing initial assessments for patients in other departments amounted to a grave situation. It is generally within a manager's discretion to direct how employees spend their work time, and it was not unreasonable for claimant's manager to prioritize claimant's attendance at huddles over doing rounds, even if claimant disagreed with such prioritization. Further, the record does not show how a registered nurse reviewing a hospital patient's medical information to conduct an initial assessment of their needs, even if the nurse did not thereafter provide other care for that patient, could plausibly be considered a potential HIPAA violation.

Moreover, evidence regarding whether claimant had violated these directives on and before November 14, 2024 was equally balanced, with the manager testifying that claimant had missed several huddles and failed to conduct any initial assessments outside the ICU that day, and claimant denying any unjustified absences from the huddles and maintaining that she had done three initial assessments that morning. As claimant failed to meet her burden of proof by a preponderance of the evidence on this issue, the record fails to show the manager acted unreasonably in her assessment of claimant's performance and in placing claimant on an improvement plan.

Claimant also viewed her assignment at a workstation on the ICU floor, rather than in a private office, as "discrimination." Transcript at 16-17. However, the manager testified that claimant willingly moved to this location before she became claimant's manager, and that allocation of the hospital's limited office space was outside the manager's purview. Transcript at 36-37. Claimant failed to rebut this testimony by a preponderance of the evidence, and therefore her attribution of this situation to discrimination by the manager is not supported by the record.

Claimant's disagreement with the employer's directives, being disciplined for having violated them, and her feelings of "discrimination" over the location of her workstation all contributed to claimant experiencing an exacerbation of her asthma symptoms following the November 14, 2024 meeting. Claimant sought treatment for this exacerbation on November 20, 2024, and was advised to take a two-week "break from the work environment" to undergo counseling and continue treatment with asthma medications. Exhibit 2 at 19. That claimant's feelings of mistreatment by her manager led to health problems of such severity that a medical provider recommended two weeks' leave suggests that claimant may have faced a grave situation at that point. However, claimant did not seek an extension of the protected leave, and testified that the exacerbation had resolved by December 1, 2024. Transcript at 12. Under these circumstances, a reasonable and prudent person with the characteristics and qualities of an individual with an impairment such as claimant's would not have quit work when claimant did.

Furthermore, even if claimant had faced a grave situation at the time she quit work, she had reasonable alternatives to leaving. The record fails to show why, going forward, claimant could not have complied with the directives in the performance improvement plan to attend the daily huddles and conduct initial assessments of patients in other departments, which would likely have resolved the primary source of conflict between claimant and her manager. Additionally, while claimant complained about her manager to the employer's "Integrity Hotline" on November 14, 2024, and to the human resources department on November 20, 2024, the employer did not immediately discuss these complaints with claimant because she was on leave. Claimant unreasonably assumed that the employer was unresponsive to her complaints because they did not discuss them with her during the relatively brief time she was on protected leave. It would have been a reasonable alternative to quitting for claimant to allow the employer time after returning from leave to investigate her complaints and attempt to resolve them. Similarly, it would have

been reasonable for claimant to learn the results of her applications for internal transfers to other positions before resigning. Accordingly, even if claimant had faced a grave situation, she had reasonable alternatives to leaving, and therefore quit without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective December 1, 2024.

DECISION: Order No. 25-UI-296290 is set aside, as outlined above.

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

DATE of Service: August 26, 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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