

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0516

Affirmed
No Disqualification

PROCEDURAL HISTORY: On April 15, 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 June 16, 2024 (decision # L0010230731).¹ Claimant filed a timely request for hearing. On August 13, 2025, ALJ Honea conducted a hearing, and on August 21, 2025, issued Order No. 25-UI-301203, reversing decision # L0010230731 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On August 26, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) Multnomah County School District # 1 employed claimant as a speech language pathologist from August 2010 through June 18, 2024.

(2) Claimant requested to work a part-time schedule for the 2023-2024 school year, reducing his full-time hours and pay by 20 percent to a four-day workweek. Claimant made the request in order to assist his mother in arranging care and accommodations for her medical needs. Claimant did not provide care to his mother directly. The employer approved the request.

(3) Claimant expected that the 20 percent reduction in work hours and pay would correspond to a 20 percent reduction in his student caseload, for a total caseload of 40 students. Instead, the employer assigned claimant a caseload of more than 60 students, which he understood to be over 20 percent more

¹ Decision # L0010230731 stated that claimant was denied benefits from March 23, 2025 to March 21, 2026. However, as decision # L0010230731 concluded that the work separation occurred on June 18, 2024, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 16, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

than should be assigned to a *full-time* employee under the applicable collective bargaining agreement. Claimant complained to administrators and his union, seeking a reduction in caseload or additional support, to no avail.

(4) In late March 2024, claimant was diagnosed with an anxiety disorder which he attributed to an excessive workload and the employer's lack of support in managing it. At his doctor's urging, claimant applied for a period of protected leave under FMLA. Claimant began this period of leave in early April 2024, and it continued through June 18, 2024, when the school year ended.

(5) During claimant's FMLA leave, he contacted the employer's human resources department to discuss his contract for the 2024-2025 school year. Claimant was told that he would not be permitted to work part-time during the upcoming school year, and that he should not expect a decrease in his student caseload. Claimant therefore believed that the workplace conditions affecting his mental health would persist if he returned to work in the following school year. For this reason, claimant gave notice of his resignation, effective June 18, 2024.

(6) Claimant could have requested a transfer to another similar position within the district for the 2024-2025 school year, but did not make such a request. Claimant held elected positions within his labor union and was therefore privy to the working conditions and caseloads of the other speech language pathologists in the district, and claimant believed them to be substantially similar to the conditions he faced.

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).² "[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 quit work because of worsening mental health symptoms that were attributed to what he felt was an excessive workload. Pursuant to claimant's request for a part-time schedule for the 2023-2024 school year, his hours and pay were reduced by 20 percent so that he could spend time assisting his mother with her health needs. Claimant's understanding of a collective bargaining agreement that covered his position was that his caseload should be set at 40 students for this level of part-time work. However, claimant was given a caseload of more than 60 students. Claimant testified that he sought mental health treatment during the 2023-2024 school year due to feeling that the "working conditions

² OAR 471-030-0038(4) provides an alternate "good cause" standard for claimants "with a permanent or long-term 'physical or mental impairment' (as defined at 29 CFR §1630.2(h))." Claimant was diagnosed with an anxiety disorder at the "end of March, beginning of April [2024]," less than a month before he last performed work for the employer in early April 2024. Audio Record at 17:14. The record reveals little about claimant's condition on a long-term basis, and the permanent or long-term impairment standard is therefore not applicable to the analysis.

got pretty terrible” due to the workload, and was ultimately diagnosed with an anxiety disorder in March 2024. Audio Record at 17:30. At that time, claimant’s doctor supported a period of protected leave, which claimant was granted from early April through June 18, 2024, the end of the school year.

Claimant spoke with a human resources representative during the leave period regarding his contract for the next school year. Claimant testified that he was told he would not be allowed a part-time work schedule for the 2024-2025 school year, and that there would not be a reduction in his caseload. Audio Record at 20:45. The employer’s witness, who was not a party to the conversation, did not directly rebut this testimony, but asserted that it would be impossible for a human resources representative to accurately predict what a speech language pathologist’s caseload would be for the next school year before the summer break. Audio Record at 32:00. However, it is more likely than not that claimant was told to expect a caseload similar to that he had been assigned in in the 2023-2024 school year. As such, claimant reasonably anticipated returning to the same or more difficult working conditions after the conclusion of his protected leave and the summer break that immediately followed. These conditions had resulted in claimant’s mental health “pretty intensely deteriorating” in March 2024 to the point that his doctor recommended extended time off from work, and it is reasonable to infer that returning to the same work environment at the start of the next school year would have had the same effect. Audio Record at 13:37. Claimant therefore faced a grave situation.

Furthermore, claimant had no reasonable alternatives to leaving work. Prior to taking leave, claimant complained to school and district administrators about his caseload, and filed grievances with his union, but the matter remained unresolved. Though claimant could have requested transfer to another position within the district, claimant was in contact with the employer’s other speech language pathologists and was generally familiar with their caseloads due to his work with the union, and therefore reasonably believed that transferring would not reduce his caseload. Accordingly, claimant did not have a reasonable alternative to leaving work, and quit 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-301203 is affirmed.

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

DATE of Service: October 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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you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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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