

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0540

Affirmed
Disqualification

PROCEDURAL HISTORY: On July 21, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective June 15, 2025 through June 13, 2026 (decision # L0011954600). Claimant filed a timely request for hearing. On August 26, 2025, ALJ Murray conducted a hearing, and on August 28, 2025, issued Order No. 25-UI-301792, modifying decision # L0011954600 by concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from benefits effective January 12, 2025. On September 16, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) Oregon City School District 62 employed claimant as a math teacher from August 2024 through January 16, 2025. Claimant had previously worked for the employer as a substitute teacher for several years.

(2) In the first week of the 2024-2025 academic year, claimant learned that he had been assigned to co-teach a class with a colleague, "A," as the class required two teachers because of the number of students in the class who were receiving special education services. The employer did not tell claimant that he would be co-teaching the class with A when they offered him the position.

(3) At the time he was assigned to co-teach with A, claimant was already familiar with her, as he had worked with her during the previous academic year. During that time, claimant "noticed some odd and

awkward behavior from her and noticed that she liked to be around [him],” but claimant was not concerned about her at the time. Transcript at 7. Additionally, toward the end of the previous academic year, A had accused another teacher, who was in his last year before retirement, of sexually harassing her. Before he retired, the other teacher “gave... testimony on the record for [other employees] to watch out for [A] and that there could be some inappropriate interaction with [A].” Transcript at 9. Claimant “could not judge the validity of [A’s] claim, but it caused [him] concern.” Transcript at 8.

(4) Based on his prior experiences with A and the other teacher’s warning about her, claimant did not wish to co-teach the class with A, whom he later learned had specifically requested to co-teach with him. Shortly after beginning the school year, claimant spoke with his department head about changing the schedule so that claimant did not have to work with A, but the department head refused to do so. Claimant also shared his concerns about A with one of the other math teachers in the department. During the second week of the school year, claimant spoke to the school’s vice principal about changing the schedule so that he did not have to work with A, but the vice principal told claimant that there was nothing to be done about it. Claimant continued regularly requesting a schedule change from his department head for the following two months, but the department head did not grant claimant’s request.

(5) During the time in which claimant was co-teaching with A, he grew increasingly concerned about A’s behavior. Claimant felt that A was “not able to effectively support the math instruction [and] often acted more like a student than a co-teacher.” Transcript at 8. A also “lingered in [claimant’s] classroom before school while [claimant] was planning, stayed through [claimant’s] lunch period, and frequently visited during [his] prep time.” Transcript at 8. A persisted in these behaviors despite the fact that claimant “directly told her [he] needed private time to plan and eat[.]” Transcript at 8. A’s behavior also included “hinting at asking [claimant] out, oversharing her personal problems... and attempting to recruit [claimant] to a modeling agency she was involved with.” Transcript at 8.

(6) A’s continued behavior towards claimant interfered with his ability to plan and teach. It also caused him to be “stressed and sad” and to leave work “completely mentally and emotionally drained.” Transcript at 8.

(7) In or around November 14, 2024, claimant met with his union representative to discuss claimant’s concerns. The union representative tried to convince claimant not to quit. On November 14, 2024, claimant met with the school’s principal to “discuss the same concerns,” but “got the same answer [that] nothing can be changed.” Transcript at 7. After the meeting, claimant submitted his resignation letter, which was to be effective on January 16, 2025.

(8) Claimant continued working for the employer after he submitted his notice of resignation. On or around January 14, 2025, the principal asked claimant if he had been “sexually assaulted by a staff member at school.” Transcript at 8. Claimant replied, “I do not think so.” Transcript at 8. Claimant was initially confused by the question but, despite the principal refusing to disclose which staff member he had referred to, claimant eventually realized that the principal had been referring to A.

(9) On January 16, 2025, claimant quit work as planned, due to his continued concerns about A’s behavior and the effects that her behavior had on him. Claimant told the employer that he quit “due to unforeseen personal reasons.” Transcript at 23.

(10) Prior to quitting, claimant did not speak to the employer's human resources (HR) department about A, as he "thought that it would be something that could be resolved with talking to these teachers and department heads, and it did not seem to [him] that it would be an HR issue[.]" Transcript at 13. Had claimant filed a complaint about A with HR, they would have investigated the matter "to validate that information and to make sure that [claimant] was in a working environment that was supportive to what he needed." Transcript at 24. Claimant also did not consider transferring to another school within the district, as he did not investigate what options existed with HR, and did not request a leave of absence prior to quitting.

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 Dept.*, 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 Dept.*, 348 Or 605, 612, 236 P3d 722 (2010).

Claimant voluntarily quit work due to his continuing concerns about the behavior of his co-teacher A and the effects that her behavior had on him. This behavior included spending excessive time in claimant's space, despite his requests that she not do so, "hinting" at asking claimant out, and "oversharing her personal problems." This behavior interfered with claimant's work. Although claimant did not term the behavior as such, A's behavior, as described at hearing, may have constituted sexual harassment.

As a result of A's behavior, claimant was "stressed and sad" and would leave work "completely mentally and emotionally drained." Claimant's witness, a friend and former colleague, testified that claimant had previously been "always very upbeat and in good spirits for the most part," but that claimant became "a shell of himself in every way" due to working with A. Transcript at 16. Given the persistent and inappropriate conduct in which A had been engaging, and the effects that it apparently had on claimant's well-being and ability to perform his work, claimant faced a grave situation. However, claimant failed to seek reasonable alternatives to quitting.

In an attempt to change his circumstances, claimant asked his department head, the vice principal, and the principal for a schedule change on several occasions over the course of approximately two months. Claimant's request was repeatedly refused. Notably, however, the record indicates that claimant never actually disclosed to the employer that the *reason* for the request was A's inappropriate behavior towards him. At hearing, the employer's witness, an HR representative, testified that the principal had told her that claimant did not tell him that he was quitting due to A's behavior. Transcript at 25. Additionally, the principal's question to claimant, shortly before claimant quit, regarding whether claimant had been sexually assaulted by another employee, suggests both that the principal had suspected or become aware of A's behavior through other channels, and that the principal took such concerns seriously. Claimant also testified that he did not speak to HR about his concerns with A because he "thought that it would be something that could be resolved with talking to these teachers and department heads, and it did not seem to [him] that it would be an HR issue[.]

While claimant's attempts at securing a schedule change were unsuccessful, it stands to reason that the employer would have taken his request to change his schedule more seriously if he had told them that his request was the result of A's above-described behavior, and the employer may well have taken action to keep A away from claimant. The employer's witness suggested as much at hearing, explaining that they would have investigated the matter and "made sure that [claimant] was in a working environment that was supportive to what he needed," had claimant approached them with his concerns about A.

Other than stating that he felt the matter could be handled without involving HR, claimant did not offer an explanation for why he did not file a complaint, either with HR or members of the school's administration, that specified A's inappropriate behavior. A reasonable and prudent person, suffering from the effects of a colleague's advances or other unwanted attention, would have made a reasonable attempt to get the offending behavior to stop by notifying their employer before concluding that there was no other way to get away from said behavior besides quitting work. Thus, speaking to either HR or administration about A's behavior, and the effects it had on him, would have been a reasonable alternative to quitting.

Additionally, even if claimant sought such an intervention and it proved to be unsuccessful, the record suggests that pursuing a transfer, leave of absence, or some combination of the two would most likely have been reasonable alternatives to quitting. As to the former, claimant's witness testified that claimant "did not have the opportunity" to transfer because "school districts initiate transfers in the spring," suggesting that claimant could not have transferred in the middle of the school year. Transcript at 17. The record was not further developed on this point. Even assuming that claimant would have had to wait until the following school year to transfer to a different school, however, it is possible that claimant could have requested a leave of absence for the remainder of the school year to cover any potential mental-health conditions that were caused by A's behavior, and then transferred to another school in the following year. A reasonable and prudent person would have, at a minimum, inquired with the employer about whether such options were available, and why they were seeking them. Doing so would therefore have been a reasonable alternative to quitting.

In sum, claimant quit work for a grave reason, but failed to seek reasonable alternatives to quitting. Therefore, claimant voluntarily quit work without good cause, and is disqualified from receiving unemployment insurance benefits effective January 12, 2025.

DECISION: Order No. 25-UI-301792 is affirmed.

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

DATE of Service: October 14, 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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