

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0542**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 6, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer with good cause and was not disqualified from receiving benefits based on the quit (decision # L0010594871). The employer filed a timely request for hearing. On August 28, 2025, ALJ Micheletti conducted a hearing, and on August 29, 2025 issued Order No. 25-UI-301924, reversing decision # L0010594871 by concluding that claimant quit without good cause and was disqualified from receiving benefits effective December 29, 2024. On September 17, 2024, 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 the additional evidence is relevant and material to EAB's determination 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).

**EVIDENTIARY MATTER:** At hearing, the ALJ admitted the employer's documents into evidence as Exhibit 1, but failed to mark the exhibit. As a clerical matter, EAB identified the exhibit based on the ALJ's description of it, and marked it as Exhibit 1. Audio Record at 6:41.

**FINDINGS OF FACT:** (1) J&J Snack Foods Handhelds Corp. employed claimant at their snack-food manufacturing plant from July 2021 through December 31, 2024.

(2) When claimant began working for the employer, he worked as a human resources (HR) coordinator in the plant's office. Claimant eventually was promoted to the role of buyer, which required him to source "non-inventory" goods (i.e., production-related items that were not raw materials for the foods the employer produced or packaging for those foods). Transcript at 23–24. Claimant stayed in this role through the end of his employment. Claimant reported directly to the plant manager.

(3) In 2022, claimant was diagnosed with depression.

(4) In or around 2023, claimant took time off of work because he had “kind of gotten burnt out” from his workload. Transcript at 16. When claimant returned to work, he found that the situation had not improved.

(5) Beginning in or around early 2024, the employer lost some of their employees who had been performing various administrative tasks in the plant’s warehouse. This resulted in claimant taking on many of these responsibilities in addition to his primary responsibilities as a buyer. These additional responsibilities included personnel scheduling for the entire plant, managing payroll and employee paid time off requests, interpretation for Spanish-speaking employees, answering phone calls, warehouse receiving, and reception duties at the front desk. Some of these duties were imposed on claimant by the employer’s HR manager.

(6) During claimant’s last performance review for the employer before he quit, the plant manager told claimant that he was “grooming” claimant to eventually be promoted to the position of warehouse manager, and that claimant therefore should “just say yes” to any additional duties that he was offered. Transcript at 11. He also told claimant that he “didn’t want excuses” if claimant was offered additional duties. Transcript at 13. The plant manager assigned claimant additional duties in the warehouse so that claimant could learn some of that role.

(7) Claimant’s extra duties, when combined with his regular workload, required him to work 10 to 12-hour days, six to seven days per week. The workload and extra hours exacerbated claimant’s depression symptoms, including a lack of interest in doing things, not wanting to leave the house, seeing less of his family, and some suicidal ideation. Additionally, due to the extra work and hours, claimant began experiencing anxiety and panic attacks, typically two to three per day. Symptoms of these included trouble focusing, difficulty breathing, and feeling like there was a weight on his back. Claimant was prescribed several different medications to manage these conditions. Although they helped to some extent, they did not fully control the symptoms claimant was experiencing. Additionally, claimant suffered two seizures while at work, the second of which occurred in approximately October 2024 and which required medical attention. Claimant’s physician determined that the seizures had been the result of his being “overmedicated.” Transcript at 7.

(8) On several occasions between approximately August and December 2024, claimant spoke to the HR manager regarding his concerns about the excessive workload. However, while she attempted to help, the HR manager was relatively new to the position, and was unable to take on claimant’s personnel-related duties. The HR manager never relayed claimant’s concerns to the plant manager, despite the two having conversed regularly.

(9) Had claimant brought his concerns about his workload to the plant manager, the plant manager would have attempted to make changes to claimant’s workload, such as delegating some tasks to other employees, or allowing claimant to do so. However, claimant never did so because of the plant manager’s statements telling claimant to “just say yes” and that he “didn’t want excuses.” Additionally, claimant believed that the HR manager was the correct person to speak to about his concerns, as he had previously gone to HR with other work-related concerns.

(10) Toward the end of his employment, a new employee, whom claimant had trained to take on some of the administrative work that claimant had otherwise been handling, gave their notice of resignation.

(11) From December 23 through 27, 2024, claimant was on vacation. During that time, claimant considered his position, and concluded that he “couldn’t continue to do this for a whole ‘nother year.” Transcript at 14. On December 31, 2024, claimant voluntarily quit work with immediate effect because of the mental health conditions that were caused or exacerbated by overwork.

**CONCLUSIONS AND REASONS:** Claimant 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 Depart.*, 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). Claimant had depression, a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h). For an individual with such an impairment, good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual, would leave work. For all individuals, the reason must be of such gravity that the individual has no reasonable alternative but to leave work. OAR 471-030-0038(4).

Claimant quit work because of the mental health conditions that were caused or exacerbated by overwork. The order under review concluded that while claimant’s situation was grave, he quit without good cause because he failed to pursue reasonable alternatives by speaking to the plant manager about his work duties. Order No. 25-UI-301924 at 3. The record does not support the conclusion that speaking to the plant manager was a reasonable alternative to quitting.

The amount of extra duties and work hours that claimant had been performing for approximately a year before he quit led to significant mental health issues, such as suffering multiple panic attacks on a daily basis. Furthermore, as a result of medication meant to treat these issues, claimant suffered two seizures while at work, the second of which required medical attention. Given the effects that the stress of overwork had on claimant’s health, his situation was grave.

At hearing, the plant manager testified that he would have intervened in an attempt to alleviate some of claimant’s workload if claimant had approached him about it. Transcript at 26–27. Claimant did not directly rebut this assertion, although he testified at hearing that he did not believe that the plant manager *could have* alleviated claimant’s workload because the employer did not have other employees who could perform the extra work that claimant had been performing. Transcript at 33. Regardless, even if the plant manager had both the ability and the willingness to alleviate claimant’s workload, under the circumstances, a reasonable and prudent person, suffering from depression as well as the anxiety and panic attacks caused by overwork, would have concluded that speaking to the plant manager was futile.

Despite his testimony indicating that he would have offered claimant help if claimant had requested it, the plant manager did not rebut claimant’s testimony that the plant manager had told him to “just say yes” and that he “didn’t want excuses” regarding any additional work offered to claimant. Especially when viewed through the lens of a person struggling to manage mental health conditions, medication

side effects, and working between 60 and 84 hours per week, claimant had no reason to believe that the plant manager would be willing to alleviate his burden after the latter had made these statements. By contrast, claimant spoke to HR about his concerns on several occasions, as he had previously come to them with similar issues. When HR was ultimately unable to offer claimant the help he needed, he likewise had no reason to think that speaking to the plant manager would have made a difference. Thus, a reasonable and prudent person in claimant's circumstances, suffering from claimant's mental health conditions, would have concluded that speaking to the plant manager about reducing his duties was futile. Thus, doing so therefore was not a reasonable alternative to quitting, and claimant therefore quit for a reason of such gravity that he had no reasonable alternative but to quit.

For the above reasons, claimant quit work with good cause and is not disqualified from receiving benefits based on the quit.

**DECISION:** Order No. 25-UI-301924 is set aside, as outlined above.

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

**DATE of Service: October 17, 2025**

**NOTE:** This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

**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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If 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 باتباع 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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)

Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.