

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0623

Affirmed
Disqualification

PROCEDURAL HISTORY: On August 13, 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 June 8, 2025 (decision # L0012303279). Claimant filed a timely request for hearing. On October 10, 2025, ALJ Parnell conducted a hearing, and on October 14, 2025 issued Order No. 25-UI-307069, modifying decision # L0012303279 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective July 6, 2025. On October 16, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) Stride Therapy, Inc. employed claimant as a sales executive from April 2023 until July 11, 2025. Justworks Employment Group LLC served as the employer's payroll administrator. Claimant was paid commission and a base salary, with the base salary constituting approximately half of his overall pay.

(2) Over the course of claimant's employment, the employer hired additional salespeople and greatly reduced the geographical area in which claimant could make sales. These factors and general business conditions resulted in a substantial decrease in claimant's sales.

(3) On July 7, 2025, the employer presented claimant with a performance improvement plan (PIP). The plan called for claimant to substantially increase his sales over an eight-week period to levels last achieved before his territory was divided among other salespeople, and for claimant to be discharged at the end of this period if he failed to do so. The PIP also called for the employer to review claimant's progress after four weeks, which claimant understood "could lead to termination." Transcript at 16. The employer offered claimant an alternative of resigning immediately with a severance payment equal to eight weeks of his base salary. Claimant was given time to consider these options.

(4) On July 11, 2025, claimant elected to resign and receive the severance payment, in part because he believed the sales targets in the PIP were impossible to achieve, and proceeding with the PIP would likely result in his discharge. Had claimant continued to work under the PIP, he would have earned commissions roughly equal to his base salary, in addition to that base salary, each week. Claimant did not work for the employer after July 11, 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 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 quit work because the employer required him to choose between resigning with a severance payment, or attempting to complete a PIP and facing a potential discharge if he was unsuccessful. Claimant testified that he did not consider the sales targets set by the PIP to be “realistic” or “obtainable,” explaining that the targets were “quadruple” what he had averaged in sales over the previous six months. Transcript at 11, 17. Claimant further explained that while he may once have been capable of achieving those sales targets, he felt this was no longer possible because the employer had since hired several other salespeople and divided up much of his sales territory among them, and he believed “the company was struggling as a whole.” Transcript at 10. The record therefore shows that, more likely than not, claimant would have faced inevitable discharge at the end of the PIP.

A claimant has good cause to quit work to avoid being discharged, not for misconduct, when the discharge was imminent, inevitable, and would be the “kiss of death” to the claimant’s future job prospects. *McDowell v. Employment Dep’t.*, 348 Or 605, 236 P3d 722 (2010). While claimant likely faced inevitable discharge, he did not assert at hearing that being discharged under these circumstances would affect his employment prospects with other employers. It cannot reasonably be inferred that potential employers of sales executives would look negatively upon an applicant who was discharged for failing to quadruple their sales in an eight-week period under conditions that made it essentially impossible to do so. Moreover, although the PIP provided for a review after four weeks, the record suggests that the employer had little reason to expect that claimant would be able to meet sales targets after either four or eight weeks, and by presenting the PIP as being of eight weeks’ duration, demonstrated that they intended to employ claimant for at least eight weeks if he maintained sales at least at current levels. Therefore, the discharge claimant faced at the time he quit was not imminent, but would likely occur eight weeks later. Accordingly, claimant did not have good cause to quit work under the holding of *McDowell*.

However, claimant faced a grave situation at the time he quit work, in that the employer required him to choose between working for eight additional weeks under his usual pay structure, then likely being discharged, or resigning and receiving severance pay equal to eight weeks’ base salary. Facing this situation, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense,

might choose to resign and accept the severance payment, as claimant did. The situation was therefore grave.

Nonetheless, claimant had a reasonable alternative to leaving work. A reasonable and prudent person might have, instead of resigning to accept the severance payment, opted to continue working for up to eight additional weeks under the PIP, earning both base salary and commissions totaling approximately double the value of the severance payment. Even if the employer discharged claimant under the PIP after only four weeks, he stood to earn approximately the same amount in that period that he would have received from the severance payment. Under the rule, a finding of good cause requires that claimant have *no* reasonable alternative to leaving work when he did. Because claimant had the reasonable alternative to quitting work on July 11, 2025 of continuing to work for up to eight additional weeks, likely earning no less than the severance payment and potentially earning double that amount, he quit without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective July 6, 2025.

DECISION: Order No. 25-UI-307069 is affirmed.

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

DATE of Service: November 19, 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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