

## **EMPLOYMENT APPEALS BOARD DECISION 2025-EAB-0623-R**

*Request for Reconsideration Allowed  
EAB Decision 2025-EAB-0623 Followed on Reconsideration*

**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). On November 19, 2025, EAB issued EAB Decision 2025-EAB-0623, affirming Order No. 25-UI-307069. On December 2, 2025, claimant filed a request for reconsideration with EAB. This decision is made under EAB's authority from ORS 657.290(3).

**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 a base salary plus commission.

(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. Claimant had no intention of quitting work prior to being presented with 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, his compensation structure would not have changed, and he would have continued to earn commissions in addition to his base salary. Claimant did not work for the employer after July 11, 2025.

**CONCLUSIONS AND REASONS:** Claimant's request for EAB to reconsider EAB Decision 2025-EAB-0623 is allowed. EAB Decision 2025-EAB-0623 is followed on reconsideration.

**Reconsideration.** ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request will be dismissed unless it says that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2).

Claimant's request for reconsideration was filed within 20 days after EAB Decision 2025-EAB-0623 was issued, and stated that a copy was provided to the employer. The request therefore met threshold requirements for consideration, and is allowed.

**Voluntary leaving.** 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). 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).

Claimant quit work because the employer offered him alternatives of continuing to work under an eight-week PIP that required him to meet unattainable sales quotas, or resigning immediately with a severance payment equal to eight weeks' base salary. Claimant's request for reconsideration asserted that EAB erred in concluding that although claimant faced a grave situation, he had a reasonable alternative to quitting work when he did, in continuing to work under the PIP. Specifically, claimant asserted that this alternative was not reasonable because he likely would not have made commissions equal to his base salary during those eight weeks, and because the potential discharge he faced at the end of the PIP may have "materially impair[ed]" his future employment prospects. Request for Reconsideration at 2. The record does not support these assertions.

Regarding his earning potential during the PIP, claimant testified:

The severance package was an eight-week severance package. Um, and it was paid, um, upfront. Um, it was, uh, an important point of clarification here is that, um, I, you know, in my sales role I have a base salary. But my OT or on target earnings, um, is double that because of expected commissions. Um, my severance was a base salary equivalent only of eight weeks. So, um, I was paid for eight weeks. But this amount, um, of – of course, was lower than what I would have expected to, uh, make over an eight-week period. Um, so, yes, eight weeks of – of base salary.

Transcript at 15. Claimant asserted in his request for reconsideration that he meant by this that his commissions would be equal to his base salary only if he achieved the unattainable sales quotas imposed in the PIP. Request for Reconsideration at 2. However, even if the commissions claimant earned during the PIP in addition to his base salary would have amounted to less than the base salary, his overall earnings would still have exceeded what he received in the severance payment, which equaled his base salary alone. Claimant's testimony conceded that the severance payment "was lower than what [he] would have expected to. . . make over an eight-week period." Transcript at 15. A reasonable and prudent person therefore might have, instead of resigning to accept the severance payment, opted to continue working for up to eight additional weeks under the PIP, which would likely have resulted in greater earnings than what claimant received through the severance payment, even if less than double the severance payment amount. The record therefore supports that continuing to work under the PIP was a reasonable alternative to quitting work when claimant did.

Regarding the assertion that potentially being discharged at the end of the PIP would have "materially impair[ed]" claimant's future employment prospects, the record fails to show that the circumstances met the requirements for a finding of good cause under the holding of *McDowell*. Claimant was given the opportunity at hearing to explain the reasons he resigned, rather than continuing to work under the PIP, but did not testify about concerns that being discharged would affect his employment prospects. This suggests that such concerns did not substantially factor into claimant's decision to quit work and accept the severance payment.

Even if the record supported that claimant quit work due, in part, to having such concerns, it does not support that being discharged would, more likely than not, have materially impaired claimant's career prospects. While it reasonable to infer that a prospective employer of salespeople would look negatively upon a job applicant who had been discharged for failing to meet sales quotas if the failure resulted from lack of skill or effort, this inference cannot be made if the failure resulted only because the quotas were objectively unattainable, as apparently was the case here. Moreover, it is not reasonable to infer that an employer would view an applicant being discharged for an inability to meet objectively unattainable sales quotas in a significantly different way than one who had resigned from work for the same reason. As such, the record does not support a finding of good cause for leaving work under the holding of *McDowell*. Accordingly, EAB Decision 2025-EAB-0623 did not err in concluding that claimant quit work without good cause.

For these reasons, claimant's request for reconsideration is allowed, and EAB Decision 2025-EAB-0623 is followed on reconsideration.

**DECISION:** Claimant's request for EAB to reconsider EAB Decision 2025-EAB-0623 is allowed. On reconsideration, EAB Decision 2025-EAB-0623 is followed.

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

**DATE of Service: January 9, 2026**

**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 – 本判决会影响您的失业救济金。如果您不明白本判决, 请立即联系就业上诉委员会。如果您不同意此判决, 您可以按照该判决结尾所写的说明, 向俄勒冈州上诉法院提出司法复审申请。

## 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 naaiintindihan 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

## Laotian

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກໍາມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງເອົາໃຈໃສ່.

## Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمرجعية القانونية بمحكمة الاستئناف بأورغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

## Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فر جام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اور گان در خواست تجدید نظر کنید.

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