

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0626

Affirmed
Disqualification

PROCEDURAL HISTORY: On July 15, 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 1, 2025 (decision # L0011921170).¹ Claimant filed a timely request for hearing. On October 2, 2025, ALJ Hall conducted a hearing, and on October 10, 2025, issued Order No. 25-UI-306854, affirming decision # L0011921170. On October 17, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Weatherford Thompson, LLC employed claimant as the bookkeeper at their law firm from May 30, 2025 through June 2, 2025.

(2) Prior to working for the employer, claimant had been prescribed antidepressants and anti-anxiety medication. Claimant had been off of those medications for “years” when she began working for the employer. Audio Record at 17:10.

(3) Prior to working for the employer, claimant worked for several years in the accounting department of a wholesale seed company. In the last few years of her work for that company, claimant’s duties were gradually reduced as the company wound down its business. As such, by the time claimant left that position her workload had been significantly reduced and she was only responsible for managing accounts payable and receivable and the management of a single checking account. This allowed claimant to work at a slower and more deliberate pace. Prior to working for the employer, claimant had no experience working in a law firm or similar setting.

(4) One of the attorneys who hired claimant, “S.C.,” had prior accounting experience. Prior to hiring claimant, S.C. had hired and trained four bookkeepers during his time with the firm, at least some of

¹ Decision # L0011921170 stated that claimant was denied benefits from June 1, 2025 to January 3, 2026. However, decision # L0011921170 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 1, 2025 and until she earned four times her weekly benefit amount. See ORS 657.176.

whom had little relevant experience. Each of those bookkeepers worked for the employer for approximately two years before moving on to other jobs of their own accord.

(5) On May 30, 2025, the employer briefed claimant on the bookkeeper position. On June 2, 2025, claimant began her first day of work for the employer. At the start of the day, S.C. sat with claimant to train her on various aspects of the job. Later, S.C. set claimant up to view training videos for the employer's software systems while he attended to other obligations.

(6) The employer maintained several active accounts, worked with approximately 50 vendors on a monthly basis, and had an overall client load of approximately 500 active cases. This represented a significant increase in the pace and workload for claimant, compared to her work for her previous employer. Additionally, because the office was noisy, claimant had a difficult time hearing the audio in the training videos. Despite this, a nearby coworker asked claimant to turn down the audio, making it harder still for claimant to hear the videos.

(7) As a result of the increased complexity and pace of the workload, claimant felt confused, anxious, and overwhelmed by the training information that was being provided to her, and came to believe that she was underqualified for the job and would not be able to perform it adequately. After working for four hours, claimant went home for her lunch break. While at home, claimant spoke to a family member about her work-related anxiety. The family member suggested to claimant that the position with the employer might not be the right job for her.

(8) After she returned from lunch, claimant approached S.C. and told him that she was quitting because she felt the job was not a good fit. Claimant quit because she felt that she was unable to perform the job adequately, and that she should instead look for work for which she was better qualified. Prior to quitting, claimant did not express her concerns about her ability to perform the job to S.C. or any other supervisor.

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 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). "[T]he reason must be of such gravity that the individual has no reasonable alternative but to leave work." OAR 471-030-0038(4). For an individual with a permanent or long-term "physical or mental impairment" (as defined at 29 CFR §1630.2(h)) 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. OAR 471-030-0038(4). The standard is objective. *McDowell v. Employment Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had anxiety, a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h).

29 C.F.R. §1630.2(h) defines "physical or mental impairment" as:

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (2) Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Per OAR 471-030-0038(5)(b)(A), leaving work without good cause includes leaving suitable work to seek other work.

As a preliminary matter, the record does not definitively show that claimant was diagnosed with any particular disorder or condition. Nevertheless, based on claimant’s testimony that she had been off of anti-anxiety and antidepressant medications for “years” prior to working for the employer, it can be reasonably inferred from the record that claimant had a long-standing diagnosis of some condition relating to anxiety. As such, claimant more likely than not suffered from a permanent or long-term physical or mental impairment, and the determination of whether she had good cause to quit must therefore be considered using the modified good-cause standard for persons suffering from such conditions.

Claimant voluntarily quit work after performing four hours of work for the employer because she felt that she was unable to perform the job adequately, and that she should instead look for work for which she was better qualified. This was not a situation of such gravity that claimant had no reasonable alternative but to quit.

It is understandable that claimant felt overwhelmed or anxious when faced with a brand new position that required more than her previous position had entailed. However, at the point that she quit, claimant had apparently not even performed any of the duties required of the bookkeeper position. Rather, she was still in her first day of training and learning how to perform the job. No reasonable and prudent person with experience relevant to the position, even one suffering from a long-term impairment such as anxiety, would conclude in such a short period of time that they would be unable to perform in their new role without making further attempts to complete their training or perform the work required of them. Thus, claimant has not shown by a preponderance of the evidence that after only four hours of work she faced a grave situation.

Further, claimant had reasonable alternatives to quitting. In addition to simply continuing with her training and learning the job, the record suggests that claimant could have raised her concerns about her own competency with S.C., as he had personally trained multiple other bookkeepers, despite those other bookkeepers’ lack of experience. To the extent that claimant found it difficult to listen to the training videos, or was concerned about disturbing nearby coworkers while watching the videos, it stands to reason that claimant could have asked the employer for a set of headphones or a more private place to watch the videos. Because claimant did not pursue any of these options, she failed to seek reasonable alternatives to quitting.

Finally, to the extent that claimant quit to seek other work, she quit without good cause under OAR 471-030-0038(5)(b)(A). Under that provision, quitting suitable work to seek other work is not good cause. In turn, ORS 657.190 controls whether work is “suitable.”² ORS 657.190 states:

In determining whether any work is suitable for an individual, the Director of the Employment Department shall consider, among other factors, the degree of risk involved to the health, safety and morals of the individual, the physical fitness and prior training, experience and prior earnings of the individual, the length of unemployment and prospects for securing local work in the customary occupation of the individual and the distance of the available work from the residence of the individual.

Here, claimant had significant prior experience performing work similar to what she would have performed for the employer, even if it was less complex and in a different industry. The record does not show that working for the employer posed any particular risk to claimant’s health, safety, or morals. Neither does it show that any of the other factors considered under ORS 657.190 rendered the position with the employer unsuitable. Thus, the record shows by a preponderance of the evidence that the position was suitable for claimant, and quitting that position to seek other work was therefore not good cause.

For the above reasons, claimant voluntarily quit work without good cause, and therefore is disqualified from receiving unemployment insurance benefits effective June 1, 2025.

DECISION: Order No. 25-UI-306854 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.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.

² ORS 657.195 contains several exceptions to the suitability requirements under ORS 657.190. However, none of those exceptions are applicable to claimant’s circumstances.



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.

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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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