

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0672

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On July 11, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and was therefore not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0011887765). The employer filed a timely request for hearing. On October 15, 2025, ALJ Frank conducted a hearing, and on October 23, 2025, issued Order No. 25-UI-308236, reversing decision # L0011887765 by concluding that claimant quit work without good cause and was therefore disqualified from receiving benefits effective May 4, 2025. On November 7, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Each of claimant's four written arguments 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. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's arguments that were based on the hearing record.

FINDINGS OF FACT: (1) Holistic Healing Behavioral Healthcare employed claimant as a counselor from March 31, 2023 until May 6, 2025.

(2) Prior to working for the employer, claimant was diagnosed with bipolar disorder, post-traumatic stress disorder (PTSD), and diabetes. Claimant received treatment for these conditions while working for the employer.

(3) In March and April 2025, the employer disciplined claimant for what they believed were instances of insubordination. In mid-April 2025, the employer asked claimant about his "mood swings and his aggressiveness," and he disclosed that he was being treated for bipolar disorder. Transcript at 21. The employer believed that this condition, along with family stressors and obligations outside of his work for the employer, contributed to this behavior.

(4) On May 6, 2025, claimant conducted a group session with clients. The employer expected claimant to ensure that individual appointments were scheduled with the group attendees before they left the session, and claimant had neglected to schedule these appointments on several prior occasions. Therefore, near the end of the group session, the employer's executive director joined the group session to ensure that claimant had scheduled the individual appointments. When the executive director inquired about whether these appointments had been scheduled, claimant "became loud and aggressive, yelling, 'I am burnt out,' [and] slammed [his] badge and key card on the table in the group, stating, 'I quit.'" Transcript at 11. Claimant did not work for the employer thereafter.

(5) Claimant quit work when he did because he felt the employer was directing him to schedule appointments at a moment when he needed to address his blood sugar level. The executive director was unaware that claimant had a low blood sugar level at the time she inquired about scheduling appointments, and had claimant asked for time off to address the issue, whether hours, days, or longer, she would have immediately granted the request and handled the scheduling herself.

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). The standard is objective. *McDowell v. Employment Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had PTSD, bipolar disorder, and diabetes, which are permanent or long-term "physical or mental impairment[s]" as defined at 29 CFR §1630.2(h).

Claimant quit work on May 6, 2025, when the executive director inquired if he had scheduled individual appointments for clients leaving the group session, implying that claimant should schedule them if he had not already done so. Claimant testified that this was a "reasonable request," but that it was made at a time when he was "feeling the effects of low sugar levels." Transcript at 11-12. Claimant felt that it was "very traumatic" to be asked to work when he was experiencing low blood sugar levels, and that he "had to quit for [his] health." Transcript at 9, 12. From the perspective of a person with the characteristics and qualities of an individual with the same impairments as claimant, this was a grave situation. However, claimant had reasonable alternatives to leaving work.

It can reasonably be inferred that the instance of low blood sugar that prompted claimant to quit could have been resolved with time away from his work duties, whether taking a break and returning to work when his glucose level was regulated and he felt better, taking the remainder of the day off, or taking a longer period of leave. It therefore would have been a reasonable alternative to quitting for claimant to briefly explain to the executive director that he needed a break or absence for medical reasons, and request that the executive director handle the scheduling matters with the clients.

The executive director testified that while she was aware of claimant's treatment for bipolar disorder, she had been unaware of his diabetic condition during his employment. Transcript at 21. The executive director further testified that on May 6, 2025, claimant did not tell her about any health symptoms he

was experiencing or that he had to stop working temporarily, and that in response to her inquiry or request regarding appointment scheduling he immediately announced he was quitting work, citing only being “burnt out.” Transcript at 21-22. The executive director explained that had she known of claimant’s low blood sugar level near the end of the group session, she “would have immediately allowed him to leave and covered the group,” as was her practice when employees needed to leave suddenly for medical reasons. Transcript at 22.

In contrast, claimant testified that he wore a continuous glucose monitor on his arm and asserted that the executive director had generally been aware during his employment that he experienced “low sugar events.” Transcript at 13, 16. Claimant also asserted that at some point in time the executive director sent him an email “acknowledging that [he had] a low blood sugar,” but did not specify the timing or context of the email. Transcript at 26. When questioned at hearing whether he had ever provided the employer with documentation regarding his diabetic condition, claimant replied that he could or would not answer. Transcript at 18. When asked whether he had “ever requested any kind of accommodation” for the diabetic condition, claimant testified, “At that moment, I asked for what I needed . . . [w]hich was time to come to, tend to my needs, my diabetic needs, which means take a reading and take glucose.” Transcript at 13. Claimant was then asked, “Is that what you said? Because [the executive director’s] not including that in this narrative,” referring to her written account of what transpired when claimant resigned. Transcript at 14. Claimant replied, “Exactly. She’s not including it in that narrative.” Transcript at 14. Earlier in the hearing, claimant had been read the narrative (Exhibit 2 at 5), which contains no mention of claimant referencing his low blood sugar or need to take a break, and claimant had agreed that the narrative “was an accurate depiction of events.” Transcript at 11. Claimant had also testified earlier in the hearing that he said during the incident, “I need to go because you’re not letting me take care of my low sugar events,” but suggested that he had said this only after he had said, “I quit,” and he further testified that the executive director responded by telling him he was “terminated” and directed him to “leave now.” Transcript at 8-9.

In rebuttal, the executive director testified that she did not “recall sending [claimant] any emails regarding any health conditions whatsoever,” and denied that prior to quitting claimant had said he “needed to leave,” and wasn’t being allowed to,” characterizing that assertion as “dishonest.” Transcript at 21, 26. She further testified that she did not tell claimant that he was “terminated” at any time. Transcript at 24.

In weighing this conflicting evidence, it is no more than equally balanced. As claimant bears the burden of proof by a preponderance of the evidence, he has not met that burden, and therefore the facts have been found in accordance with the employer’s account. Therefore, the record shows that claimant did not request a break or absence to attend to his low blood sugar in response to the executive director’s question regarding scheduling, which would have been a reasonable alternative to quitting work. Moreover, the record suggests that even if claimant briefly stepped away from his duties without saying anything, and later explained the reason for the break to the executive director when his condition better allowed him to do so, she would have accepted this explanation. Accordingly, claimant voluntarily quit work without good cause because he did not face a situation of such gravity that he had no reasonable alternative but to quit work when he did.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective May 4, 2025.

DECISION: Order No. 25-UI-308236 is affirmed.

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

DATE of Service: December 15, 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

ចំណុចសំខាន់ – សេចក្តីសម្រាប់នោនដិលប៉ះពាល់ដិលអត្ថប្រយោជន៍គ្នានករោងធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នោន គួរតាកំឡុងគោលការងារទូទៅរបស់ខ្លួន ក្នុងការខ្សោចរណការរោងភ្លាមឱ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នោនទេ លោកអ្នកអារ៉ាកាត់ពាក្យប្រើដឹងសំឡូនភាពនៃការពិនិត្យរឿងក្នុងវិញ្ញាបាមួយគុណារខ្សោចរណការដើម្បី Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ហាប់នៃសេចក្តីសម្រាប់នោន។

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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