

**EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0714**

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On August 8, 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 denied benefits from May 11, 2025 to June 6, 2026 (decision # L0012193505). Claimant filed a timely request for hearing. On October 30, 2025, ALJ Krueger conducted a hearing, and on November 4, 2025 issued Order No. 25-UI-309350, modifying decision # L0012193505 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective May 11, 2025, until requalified under Department law.¹ On November 12, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Bible Mennonite Fellowship employed claimant as a registered nurse at their independent living community from August 2024 until May 16, 2025.

(2) The employer offered services to clients at their long-term care facility and through in-home care. Claimant's duties included training staff, assessing any change in the conditions of clients, and acting as the medical "go-between" for clients, their families, and their providers. Transcript at 6. The employer's chief executive officer (CEO) was claimant's direct supervisor.

(3) During claimant's employment, claimant felt harassed by one of the employer's other employees, M. M was an administrator whose job duties included ensuring that client charts were accurate. Though M did not have supervisory authority over claimant, she had the authority to ask claimant about client charting.

¹ Decision # L0012193505 should have stated that claimant was disqualified from receiving benefits beginning May 11, 2025 until she earned four times her weekly benefit amount. *See* ORS 657.176. Order No. 25-UI-309350 modified L0012193505 by effectively correcting that error.

(4) One of the ways in which claimant felt harassed by M was that M would send text messages to claimant's work phone on claimant's days off. The texts would direct claimant to explain what she was doing at work, confirm if she was ill and would be absent from work, or give claimant direction about how she needed to do her job differently.

(5) Claimant also felt that M would harass or embarrass her in front of others at work. On an occasion during claimant's employment, claimant was sitting at a workstation preparing to do some charting for one of the employer's clients. The workstation was in an open area next to a room in which another employee, O, was receiving training. M approached claimant and asked to see the client's chart. Claimant tried to explain that she was beginning to do the charting for the client, but M yelled at claimant and talked over her. Claimant proceeded to chart the note and M began talking about a different topic. In the adjacent room, O overheard M's comment about the different topic. O then inserted himself into the conversation and called claimant "a liar." Transcript at 11.

(6) Claimant raised with the employer's head of human resources (HR) M's texts and claimant's treatment by M and O on the day that O called claimant a liar. The head of HR took no action.

(7) At some point during claimant's employment close in time to May 16, 2025, claimant was with the interim administrator of the section in which claimant worked. The two had finished meeting with a potential new client and were sitting in the director's car. At the time, the employer had discharged some employees, and claimant asked the administrator if she would be discharged next. The administrator replied, "no." Transcript at 26. The administrator stated that she was not aware of any other employees who were to be discharged and further stated that claimant "was not on any list . . . of being fired; her job was still there." Transcript at 26. However, claimant interpreted the director's response as noncommittal and thought it implied that the employer was planning to discharge her.

(8) Prior to May 16, 2025, the CEO reached out to claimant and offered to have a meeting on May 16, 2025. On May 16, 2025, claimant sent the CEO a text message stating, in part, "I'm not able to make it in today to talk to you. I wanted to let you know that I am resigning from my position." Exhibit 2 at 2. Later that day, claimant gave the employer a letter stating, in pertinent part, "I'm sorry to say that I am resigning my position as RN . . . as of today 5/16/25." Exhibit 2 at 4.

(9) Claimant resigned because she was unwilling to continue working for the employer due to her treatment by M and O. Another reason claimant resigned was because, based on her interpretation of the conversation with the interim administrator, claimant thought she "could have ended up getting fired," and was concerned that being discharged would negatively affect her nursing license. Transcript at 8.

(10) Claimant did not raise the treatment she received from M and O with the CEO prior to resigning. The CEO had supervisory authority over M and O, and could have intervened to correct or halt their treatment of claimant.

(11) Claimant thought that her work separation was not a quit because she felt she "had no other choice" but to resign. Transcript at 7. A few months after claimant's work separation, the employer's health insurance provider sent claimant a letter advising that she was eligible to continue her health insurance coverage for six months. *See Exhibit 1 at 1.* The letter stated, "Due to your Termination, coverage under all group plans will be terminated" on a particular date unless claimant elected continuation coverage.

Exhibit 1 at 1. Claimant interpreted the letter's use of the generic word "termination" as meaning that she "was fired after all," and that her work separation had been a discharge rather than a voluntary leaving. Transcript at 15.

CONCLUSIONS AND REASONS: Claimant quit work without good cause.

Nature of the Work Separation. A work separation occurs when a claimant or employer ends the employer-employee relationship.

If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b).

The work separation was a voluntary leaving that occurred on May 16, 2025. At hearing, when asked about the work separation, claimant referred to herself as having resigned several times and acknowledged that she was not willing to continue working for the employer as of May 16, 2025. Transcript at 6-7. However, claimant also testified that she thought that her work separation was something other than a voluntary leaving because she felt she "had no other choice" but to resign, and that resignation "was what [she] needed to do." Transcript at 7.

Whether the work separation was a discharge or a voluntary leaving is a legal conclusion, based on facts in the record, and not on the parties' characterizations.² It is undisputed that claimant ended the employment relationship by sending the CEO a text and tendering a letter on May 16, 2025, both of which advised that claimant was "resigning" that day. Exhibit 2 at 2, 4. Furthermore, it is immaterial that the employer's health insurance provider sent claimant a letter about continuation coverage, in which the insurance provider used the word "Termination" to generically describe claimant's work separation. Exhibit 1 at 1. The letter came months after the work separation occurred, the insurer's description of the work separation is not binding on the employer or relevant to the nature of the work separation analysis, and it is evident that the word "Termination" was used in the letter broadly to convey either a voluntary leaving or a discharge.

Claimant could have continued to work for the employer for an additional period of time on May 16, 2025, but was unwilling to do so. The work separation therefore was a voluntary leaving that occurred on May 16, 2025.

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-

² See *Roadhouse v. Employment Dept.*, 283 Or App 859, 863, 391 P.3d 887, 890 (Or. App. 2017) ("The answer to the threshold question of whether an employee has voluntarily left work or been discharged is a legal conclusion that is based on factual findings.") (Internal quotation marks removed).

0038(4). The standard is objective. *McDowell v. Employment Dept.*, 348 Or 605, 612, 236 P3d 722 (2010).

Claimant voluntarily left work without good cause. One reason claimant left work was because of her treatment by M and O, which she felt constituted harassment. Claimant failed to prove by a preponderance of the evidence that M and O's treatment subjected her to a grave situation. As to the text messages M sent claimant, they were sent to claimant's work phone, and appeared to be about workplace matters relating to clients. While the texts were perhaps overbearing, claimant did not show that the texts were of a nature that a reasonable person would leave their employment given that they were sent to claimant's work phone, M was an administrator whose duties included ensuring that patient charts were accurate, and claimant was the medical "go-between" for clients, their families, and their providers. Transcript at 6.

Claimant also failed to show that she was presented with a grave situation relating to her treatment by M and O on the day that O called claimant a liar. It was inappropriate for M to yell and talk over claimant while claimant was trying to explain that she was beginning to do the charting for the client. However, M had authority to ask claimant about client charting, and her conduct of yelling and talking over claimant may have been a result of a misunderstanding about when the charting was required to be completed. O's conduct of calling claimant a liar was improper and understandably offensive to claimant. Nevertheless, the record does not show that claimant's honesty or integrity was questioned on any other occasion or that she was otherwise ever subjected to name-calling. The single instance of being yelled at and talked over by M, and then called a liar by O, did not create a situation of such gravity that no reasonable person would continue working for the employer.

Even if claimant's treatment by M and O presented claimant with a grave situation, claimant quit work without good cause to the extent she quit for this reason because she did not pursue all reasonable alternatives to quitting prior to leaving work. Specifically, claimant did not raise the treatment she received from M and O with the CEO prior to resigning. The CEO was claimant's direct supervisor. He also had supervisory authority over M and O, and could have intervened to correct or halt their treatment of claimant. Claimant had ample opportunity to raise the matter with the CEO, as the CEO had reached out to claimant and offered to have a meeting on May 16, 2025. Rather than meet with the CEO that day and request that he take action to rectify M and O's treatment of her, claimant resigned.

Claimant also quit working for the employer because, based on her interpretation of the conversation with the interim administrator, claimant thought she "could have ended up getting fired," and was concerned that being discharged would negatively affect her nursing license. Transcript at 8. Claimant left work without good cause to the extent she quit for this reason. The weight of the evidence shows that claimant did not face a risk of being discharged, and so was not presented with a grave situation based on the negative impact a discharge might have on her nursing license.

At hearing, the interim administrator testified that, when asked by claimant whether claimant would be discharged, the administrator replied, "no" and stated that she was not aware of any other employees who were to be discharged, and that claimant "was not on any list . . . of being fired; her job was still there." Transcript at 26. In contrast, claimant testified that the administrator did not answer when claimant asked the question, which implied to claimant that the employer was planning to discharge her. Transcript at 13. As these conflicting accounts are equally balanced and claimant bears the burden of

proof, the weight of evidence favors the employer's account, and the facts of this decision have been found accordingly.

Thus, the record shows that the administrator did not tell claimant that she would be discharged, and claimant's interpretation that the administrator's response implied that the employer was planning to discharge her was inaccurate. As such, claimant was not in danger of being discharged, and so was not presented with a grave situation based on the negative effects a discharge might have on her nursing license.

For these reasons, claimant voluntarily quit work without good cause and is disqualified from receiving benefits effective May 11, 2025.

DECISION: Order No. 25-UI-309350 is affirmed.

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

DATE of Service: December 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.



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 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 Tự 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 – សេចក្តីសម្រាប់នាមដានដល់ប៉ះពាល់ដល់អត្ថប្រយោជន៍ត្រានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នេះ សូមទាក់ទងគណៈកម្មការខ្លួនរបស់ការងារភ្នាម។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នេះទេ លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បាប់នាមនានការពិនិត្យឱ្យក្នុងវិញ្ញាបាមួយគុណភាពខ្លួនរណីដែរ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសាសនាឌាច់បញ្ចប់នៃសេចក្តីសម្រាប់នេះ។

Laotian

ເອີໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທິບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການທ່ວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບຫວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໄດ້ປະຕິບັດຕາມຄໍາແນະນຸງໃຫ້ປະກໄວ້ຢ່າງຍໍາຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للبرلمانية القانونية بمحكمة الاستئناف بأورغون وذلك باتخاذ 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، ممکن است از استفاده از دستور العمل موجود در پیاز آن، از دادگاه تجدید نظر اور گان در خواست 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

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.