State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0717

Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.[1]

Modified
Eligible June 15, 2025 through June 28, 2025
Disqualification Effective June 29, 2025

Decisión Modificada
Elegible para Recibir los Beneficios desde el 15 de junio de 2025 hasta el 28 de junio de 2025
Descalificado para Recibir los Beneficios a Partir del 29 de junio de 2025

PROCEDURAL HISTORY: On September 2, 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 22, 2025 (decision # L0012718936). Claimant filed a timely request for hearing. On October 27, 2025, ALJ Griffith conducted a hearing that was interpreted in Spanish, and on November 3, 2025 issued Order No. 25-UI-309257, modifying decision # L0012718936 by concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving

[1] This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

benefits effective June 15, 2025. On November 17, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

ANTECEDENTES PROCESALES: *El 2 de septiembre de 2025, el Departamento de Empleo de Oregón (el Departamento) notificó una decisión administrativa en la que se concluía que el reclamante había renunciado voluntariamente a su trabajo sin causa justificada y, por lo tanto, quedaba descalificado para recibir beneficios de desempleo a partir del 22 de junio de 2025 (decisión No. L0012718936). El reclamante presentó una solicitud para una audiencia. El 27 de octubre de 2025, la jueza administrativa Griffith hizo una audiencia que fue interpretada al español, y el 3 de noviembre de 2025 emitió la Orden No. 25-UI-309257, que modificaba la decisión No. L0012718936 al concluir que el reclamante había renunciado voluntariamente a su trabajo sin causa justificada y, por lo tanto, quedaba descalificado para recibir beneficios a partir del 15 de junio de 2025. El 17 de noviembre de 2025, el reclamante presentó una solicitud de revisión de la Orden No. 25-UI-309257 ante la Junta de Apelaciones de Empleo (EAB).*

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

ARGUMENTO ESCRITO: *La EAB consideró el argumento escrito del reclamante al tomar esta decisión.*

FINDINGS OF FACT: (1) Columbia Empire Meat Co. employed claimant as a meat cutter at their meat-processing facility from June 21, 2010 through June 16, 2025. Claimant's primary language was Spanish, and he had limited proficiency in English.

(2) Based on the ebb and flow of customer demand, the employer's business tended to increase or decrease on a seasonal basis. For instance, the employer's sales increased during the year-end holidays and the summer barbecue season. Claimant's workload tended to increase or decrease proportionally with the employer's sales.

(3) Throughout much of his tenure with the employer, claimant was one of four meat cutters working for the employer. At some point prior to the end of claimant's tenure, one of these employees separated from work. For the rest of claimant's time with the employer, the employer employed only three meat cutters. This often caused claimant to feel overworked, as the employer often expected him to cut 1,000 pounds of meat or more in a five-hour shift. The president of the company sometimes helped claimant with his workload. This led claimant to believe that the president was aware that claimant felt overworked.

(4) Claimant sometimes felt like some of his coworkers were "bullying" him by laughing at him while he was working. Transcript at 21. This sometimes upset claimant such that he cried. Claimant felt that his coworkers might have treated him differently because he was Latino, whereas most of the other employees were white. At some point, claimant reported the bullying to the president of the company, naming one of his coworkers in particular as the perpetrator. The president spoke to this employee, and "things calmed down for about three weeks" before getting "worse than it was before." Transcript at 21.

(5) Throughout the course of his employment, claimant said he was going to quit "a dozen times." Transcript at 14–15.

(6) On June 1, 2025, claimant met with the company president and told him that he intended to quit, effective June 30, 2025. Claimant decided to quit because he felt that the employer had been giving him too much work, and that the "bullying" from other employees was "very stressful." Transcript at 21. In response, the president said, "[W]ell, that's not going to ruin my day," and told claimant to go back to work and finish his shift. Transcript at 26.

(7) Claimant continued to work as scheduled through June 16, 2025. On June 16, 2025, claimant met with the president and another employee. During the meeting, the president asked claimant if he was, in fact, quitting, which claimant confirmed. Later that day, while claimant was in the lunchroom, the president approached claimant, took the sandwich that claimant was eating, threw it in the garbage, and then told claimant to pack up his belongings and leave. Claimant left shortly thereafter, and did not work for the employer again.

(8) Prior to the end of his employment, claimant did not approach the employer to request help with his workload.

(9) Prior to the end of his employment, the employer had never issued claimant any warnings about his performance or conduct.

CONCLUSIONS AND REASONS: Claimant was discharged, but not for misconduct, within 15 days of a planned voluntary quit, not for good cause.

CONCLUSIONES Y RAZONES: *El reclamante fue despedido, pero no por mala conducta, dentro de los 15 días posteriores a una renuncia voluntaria planificada que no fue por causa justificada.*

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 parties disputed the nature of the work separation and provided differing accounts regarding the events which led to the separation. At hearing, the president's executive assistant testified that on the morning of June 16, 2025, another employee approached her and asked her if she knew if it was claimant's last day, which the witness had not yet known at that time; and that she then asked the president if he knew about it, which he said he did not. Transcript at 6–7.

The employer's salesperson who was acquainted with claimant, and sometimes interpreted for him, testified that when he arrived for work on the morning of June 16, 2025, other employees notified him that claimant had been saying it was his [claimant's] last day of work, but that the witness felt that the other employees did not believe claimant because he had said he was quitting multiple times before. Transcript at 12. The salesperson further testified that claimant told him and the president in a meeting (in which the witness acted as claimant's interpreter) that he was quitting that day, that the president was unaware that claimant had given notice despite claimant having done so "weeks prior," and that the

witness believed that "no one really took [claimant] seriously" regarding him giving notice to quit because he had done so on several prior occasions. Transcript at 13–15.

By contrast, claimant asserted at hearing that he had informed the president on June 1, 2025 that he planned to quit on June 30, 2025; that claimant confirmed he planned to quit; and that later on June 16, 2025, the president confronted him in the lunchroom and "ran [claimant] off." Transcript at 20, 24, 27.

In weighing these conflicting accounts, the record suggests that due to multiple factors, including claimant's limited English proficiency and reliance on an interpreter, and claimant's previous assertions that he would quit, the employer's witnesses either misunderstood or misinterpreted what they had heard from claimant or others regarding claimant's intention to quit. As such, claimant's testimony, which was internally consistent, is more likely to be accurate, and the facts have been found accordingly. Thus, the record shows that claimant notified the employer on June 1, 2025 that he would be quitting on June 30, 2025, but that the president discharged claimant on June 16, 2025 when he confronted claimant in the lunch room and told him to leave.

Because the employer discharged claimant less than 15 days before the day on which claimant planned to quit, it is necessary under ORS 657.176(8) to determine both whether the actual discharge was for misconduct and whether the planned voluntary quit would have been for good cause.[2]

Discharge. ORS 657.176(2)(a) requires a disqualification from unemployment insurance benefits if the employer discharged claimant for misconduct connected with work. "As used in ORS 657.176(2)(a) . . . a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest is misconduct." OAR 471-030-0038(3)(a). "'[W]antonly negligent' means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee." OAR 471-030-0038(1)(c). In a discharge case, the employer has the burden to establish misconduct by a preponderance of evidence. *Babcock v. Employment Division*, 25 Or App 661, 550 P2d 1233 (1976).

The employer discharged claimant on June 16, 2025 after claimant had told them on June 1, 2025 of his intention to quit at the end of the month. As noted above, the employer did not agree that they had discharged claimant on June 16, 2025. As such, they did not offer evidence to show why they did so. Claimant, likewise, did not offer a clear explanation for why the employer discharged him. Additionally, the record shows that claimant had no history of disciplinary or performance issues, such that the employer might have been considering discharging him. Considering this lack of evidence, the employer has not met their burden to show that they discharged claimant on June 16, 2025 due to a willful or wantonly negligent violation of their standards of behavior. Therefore, claimant's discharge that day was not for misconduct.

[2] If a claimant notified their employer they would quit work on a specific date, and the quit would have been without good cause, but the employer discharged the claimant, not for misconduct, no more than 15 days before the date of the planned quit, then the separation from work is adjudicated as if the discharge had not occurred and the planned quit had occurred. ORS 657.176(8). However, the claimant is eligible for benefits for the week in which the actual discharge occurred through the week before the week of the planned quit. ORS 657.176(8).

Planned Voluntary Quit. 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). "[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).

On June 1, 2025, claimant gave notice of his intent to quit on June 30, 2025. Claimant intended to quit because he felt that he was overworked, and because he felt that he had been bullied by some of his coworkers. Claimant also suggested at hearing that his decision to quit was influenced by the fact that he "didn't get a . . . raise." Transcript at 28. Claimant has not met his burden to show that any of these constituted situations of such gravity that he had no reasonable alternative but to quit.

As to claimant's feeling of being overworked, the record shows that the employer had lost one of the four meat cutters on staff, leaving claimant and the two others to handle the workload; and went into significant detail about the amount and types of work given to claimant. However, the record does not show when the fourth meat cutter separated from the employer. As such, it is not clear from the record how long claimant had been carrying the presumably-increased workload or what, if anything, had changed by June 2025 to lead him to decide that he could no longer tolerate the workload.[3] Additionally, although it is clear that claimant was dissatisfied with the workload, he did not show that the work had any negative effects on him in particular, other than dissatisfaction. Thus, claimant has not shown by a preponderance of the evidence that he faced a grave situation due to his feelings of being overworked.

Furthermore, even if he did so show, the record suggests that claimant had the reasonable alternative of explicitly asking the president for more help with his workload. The president had previously helped claimant with his workload, which led claimant to believe that the president was aware that claimant felt overworked. However, a reasonable and prudent person in claimant's circumstances, especially one who knows that their employer has offered them help when needed, would explicitly communicate this concern to their employer before assuming that no further help would be forthcoming. Because claimant did not ask the employer for more help to manage his workload, he failed to seek this reasonable alternative. Therefore, to the extent that claimant planned to quit because he felt overworked, this was not good cause.

To the extent that claimant planned to quit because he felt that his coworkers were bullying him, claimant has likewise not met his burden to show that this was a situation of such gravity that he had no reasonable alternative but to quit. To be clear, a hostile workplace caused by, among other things, bullying by coworkers could well be considered a grave reason for quitting. However, claimant's explanation of what he felt constituted bullying consisted of some coworkers laughing at him while he was working, which sometimes caused him to cry; and feelings that he was treated differently on the basis of his race or ethnicity. Claimant did not explain why his coworkers had been laughing at him, or when, or how long the behavior had persisted. Neither did claimant explain why he felt that he was treated differently on the basis of his race or ethnicity. The record does not show that the coworkers'

[3] The record suggests that the employer's seasonal changes in workload would likely lead to an increase in work for claimant around the time that he quit. However, it is not clear from the record that this was to be a significantly greater seasonal increase than it had been in previous years.

treatment of claimant was a grave reason for quitting. Additionally, given that the owner had at some point intervened when claimant reported some of these concerns, and that this intervention yielded some results, albeit temporary, it is reasonable to conclude that the owner would likely have intervened again if claimant had again asked him to do so. Thus, going to the employer with the problem would have been a reasonable alternative to quitting. Because claimant did not do so, his concerns about bullying did not amount to a situation of such gravity that he had no reasonable alternative but to quit.

Finally, to the extent that claimant planned to quit because he had not received a pay raise, the record does not show that this was a grave reason for quitting. Claimant did not show at hearing the presence of any wage and hour violations, discriminatory wage practices, or even if he had asked the employer for a raise at any point. Without any meaningful detail on this concern, the record does not support a finding that claimant's failure to receive a raise as he wished was a situation of such gravity that he had no reasonable alternative but to quit.[4]

For the above reasons, claimant was discharged, but not for misconduct, within 15 days of a planned voluntary quit, not for good cause. Claimant therefore is allowed unemployment insurance benefits for the weeks of June 15, 2025 through June 28, 2025, and is disqualified from receiving benefits effective June 29, 2025 based on this work separation.

Por las razones expuestas en esta decisión, el reclamante fue despedido, pero no por mala conducta, dentro de los 15 días posteriores a una renuncia voluntaria planificada, y sin causa justificada. Por lo tanto, el reclamante tiene derecho a los beneficios de desempleo correspondientes a las semanas del 15 al 28 de junio de 2025, y queda descalificado para recibir los beneficios a partir del 29 de junio de 2025, debido a esta separación laboral.

DECISION: Order No. 25-UI-309257 is modified, as outlined above.

DECISIÓN: *La Orden de la Audiencia 25-UI-309257 se modifica, de acuerdo a lo indicado arriba.*

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

DATE of Service: <u>December 23, 2025</u>

FECHA de Servicio: <u>el 23 de diciembre de 2025</u>

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.

[4] Additionally, claimant did not show that quitting because he did not receive a raise helped him in any way. *See Oregon Public Utility Commission v. Employment Dep't.*, 267 Or App 68, 340 P3d 136 (2014) (for a claimant to have good cause to voluntarily leave work, the claimant must derive some benefit for leaving work).

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NOTA: *Puede apelar esta decisión presentando una Petición de Revisión Judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals)* ***dentro de los 30 días siguientes a la fecha de entrega de esta decisión indicada arriba****. Vea ORS 657.282. Para obtener formularios e información, visite* https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx *y elija el formulario para "Junta de Apelaciones Laborales". En este sitio web, hay información disponible en español. Puede solicitar un intérprete para la Corte en* https://web.courts.oregon.gov/osca/clas/CLASRequestFormRedirect.html *También puede comunicarse con la Corte de Apelaciones por teléfono al (503) 986-5555, por fax al (503) 986-5560 o por correo a 1163 State Street, Salem, Oregon 97301.*

Por favor, ayúdenos a mejorar nuestro servicio completando una encuesta de servicio al cliente*. Para completar la encuesta en línea, vaya a* https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey*. Si no puede completar la encuesta en línea y desea obtener una copia impresa de la encuesta, comuníquese con nuestra oficina.*

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 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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