EO: Intrastate
BYE: 14-Mar-2026

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

244
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0718

Affirmed
No Disqualification

PROCEDURAL HISTORY: On September 8, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective March 16, 2025 (decision # L0012752526).[1] Claimant filed a timely request for hearing. On November 13, 2025, ALJ Janzen conducted a hearing, and on November 14, 2025, issued Order No. 25-UI-310549, reversing decision # L0012752526 by concluding that claimant quit work with good cause and was therefore not disqualified from receiving benefits based on the work separation. On November 17, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Sherwood School District employed claimant as a controller from February 11, 2025 until March 19, 2025.

(2) On February 12 and 13, 2025, some employees, including claimant, were permitted to work from home due to inclement weather. Much of claimant's work required her to log into a computer system operated by a third party, but she had not been provided login information to do so as of February 13. Claimant continued to seek the login information on the next in-office workday, which prompted her supervisor, the employer's chief financial officer (CFO), to question whether claimant had been performing work during the inclement weather days. Claimant had received one email from the third-party system on February 13, 2025, but it did not contain login information, and claimant did not reply to it that day.

(3) When the CFO initially questioned claimant about her work activities on February 12 and 13, 2025, and her pursuit of the login information those days, he understood claimant to respond that she "didn't

[1] Decision # L0012752526 stated that claimant was denied benefits from March 16, 2025 to March 14, 2026. However, decision # L0012752526 should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 16, 2025, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

receive any e-mails from this third party" on those days, "and was therefore not able to log in." Transcript at 14. The CFO accepted this explanation at that time. The CFO expected that the employees he supervised would be completely truthful in all matters, given the degree of trust involved in dealing with the employer's finances.

(4) In the following approximately two weeks, at times the CFO was not present, claimant was late for work on one occasion and left early on another. When this was reported to the CFO by other employees, he became concerned about the amount of time claimant was devoting to her job, and scheduled a meeting to discuss the matter.

(5) On March 4, 2025, claimant met with the CFO to discuss his concerns about time spent on work, including whether she had been performing work on February 12 and 13, 2025. On March 6, 2025, the CFO memorialized his recollections of the meeting in an email to claimant, which stated in relevant part, "You shared with me that you did not receive an email from the [third party] about [the system's] log in." Transcript at 32. Claimant did not respond to the CFO's email with any corrections.

(6) On March 14, 2025, claimant and others were permitted to work from home as part of a hybrid schedule. That day, the employer's human resources (HR) director stopped by the office and noticed that claimant's work laptop was there, though claimant was not. Claimant had been using her personal computer to work from home, and was able to access the applications necessary to do so despite not having her work laptop. The HR director reported to the CFO that he saw claimant's work laptop at the office.[2]

(7) The CFO was unaware that employees such as claimant were able to access the applications necessary to perform their work using a personal computer. Therefore, when he heard that claimant had purportedly been working from home on March 14, 2025, while her work laptop was in the office, it rekindled suspicions about claimant's honesty and time devoted to work. The CFO then accessed claimant's email account to see whether she had been truthful about what had occurred regarding the login information on February 12 and 13, 2025, and discovered that she had received an email from the third party on February 13, 2025 but had not replied to it that day.

(8) On March 19, 2025, the CFO and HR director met with claimant to discuss the CFO's concerns. Regarding March 14, 2025, claimant explained that she had used her personal computer to work from home. Both the CFO and HR director indicated to her that they were unaware of whether this was technologically possible, and would need to investigate the matter further. Regarding February 12 and 13, 2025, claimant admitted that she had received an email from the third party on February 13, 2025, but asserted that it did not contain or involve login information and that she had engaged in a "back-and-forth conversation with [the third party] that day" about obtaining it. Transcript at 17. The CFO, who had already accessed claimant's email account and knew there was no email thread from February 13, 2025 regarding the login, asked claimant to log into her email account and show him the back-and-forth exchange. Claimant was unable to present any evidence of such an exchange.

[2] The person serving as HR director in March 2025 was later replaced by the HR director who testified at hearing. The latter HR director did not have first-hand information regarding claimant's work separation.

(9) After this questioning, claimant was told that she would be placed on paid administrative leave indefinitely while an investigation was conducted into these matters, particularly whether she had been dishonest with the CFO regarding the third-party login issue. The CFO told claimant at that time that he "could not have somebody working for [him] that [he] could not trust[.]" Transcript at 20. The HR director told claimant that she would be required to report to prospective educational employers in the future that she had been placed on administrative leave, regardless of the outcome of the investigation. As an alternative to the investigation and involuntary leave, claimant was offered a severance package if she resigned immediately, in which she would receive two months' pay and three months' insurance coverage.

(10) Claimant felt that although an investigation would likely exonerate her, it would impair her prospects for future employment. She also felt that even if exonerated by the investigation, the CFO would not want to continue to employ her, and would treat her accordingly upon her return from leave. For these reasons, claimant accepted the severance package and submitted her resignation with immediate effect. Claimant did not work for the employer after March 19, 2025.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work with 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 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).

Per OAR 471-030-0038(5)(b)(F), leaving work without good cause includes resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct. "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).

Claimant quit work because she faced being placed on administrative leave and investigated over alleged wrongdoing, which could potentially have led to her discharge, and was offered a severance package as an alternative.[3] Quitting to avoid a potential discharge for misconduct precludes a finding of good cause under OAR 471-030-0038(5)(b)(F). However, a claimant has good cause to quit work to

[3] Claimant testified that she was told the administrative leave would be unpaid, while the CFO testified that claimant was told it was paid leave. Transcript at 7, 18. The employer's current HR director, who was not present for the conversation, testified that it was the employer's policy that all investigatory administrative leave was paid. Transcript at 32. In weighing this evidence, it is more likely than not that claimant was told it was paid leave in accordance with the employer's standard practice, and the facts have been found accordingly.

avoid being discharged, not for misconduct, when the discharge was imminent, inevitable, and would be the "kiss of death" to claimant's future job prospects. *McDowell v. Employment Dep't.*, 348 Or 605, 236 P3d 722 (2010). A future discharge does not need to be certain for a quit to avoid it to qualify as good cause; likelihood is not dispositive of the issue but it does bear on the gravity of the situation. *Dubrow v. Employment Dep't.*, 242 Or App 1, 252 P3d 857 (2011). Isolated instances of poor judgment, good faith errors, unavoidable accidents, absences due to illness or other physical or mental disabilities, or mere inefficiency resulting from lack of job skills or experience are not misconduct. OAR 471-030-0038(3)(b).

The parties agreed that being placed on administrative leave would, regardless of the outcome of the investigation, likely affect claimant's prospects of future employment in her field, as prospective employers would expect disclosure of it and look at it unfavorably. Transcript at 23-24, 26. It is reasonable to infer that if an administrative leave period ended in claimant's discharge, this would have an even greater impact on future employment prospects.

Claimant testified that in the March 19, 2025 meeting, the CFO told her that he would not be "comfortable with [her] continuing to work there" regardless of the outcome of the investigation. Transcript at 6. In his testimony, the CFO denied making that specific statement, but said he told claimant that he "could not have somebody working for [him] that [he] could not trust," in the context of questioning the honesty of several of her past statements and actions. Transcript at 20. Regardless of the wording used, the record shows that the CFO conveyed to claimant that he no longer trusted her due, primarily, to inconsistencies in her accounts around receiving login information; and because email records seemed, to him, to disprove those accounts. Claimant reasonably perceived the CFO's views of her as unlikely to change, through the investigation or otherwise, and therefore saw the employment relationship as irreparably broken. That the employer offered claimant a severance package of two months' salary and three months' health insurance to resign, after only approximately one month of employment, further supports that the CFO did not want to continue employing claimant regardless of the outcome of the investigation. Claimant therefore faced a potential and likely inevitable discharge, through a process beginning imminently with an investigation and administrative leave, that would likely impact her prospects for future employment. Faced with these circumstances, and the alternative of a severance package, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work. Moreover, as the employment relationship was irreparably broken, commencement of the investigation and administrative leave imminent, and the severance package offer implicitly revocable if she did not resign immediately, claimant had no reasonable alternative but to quit work when she did.

However, whether the rule permits a finding of good cause for leaving work turns on whether the circumstances claimant faced regarding her potential discharge resulted from misconduct. Regarding the events of March 14, 2025, claimant testified she had been working from home using her personal computer in accordance with the employer's expectations, and told the employer as much when questioned about it on March 19, 2025. The parties agreed claimant's work laptop was in the office that day, which was the employer's sole basis for initiating that part of the investigation. The employer failed to rebut claimant's assertions that she was permitted to work from home, had the technological capability to do so using her personal computer, and performed her work that day as expected, as the employer conducted no further investigation of the matter after claimant resigned. Therefore, the record

does not show that claimant violated any reasonable employer policy through her actions on March 14, 2025.

Regarding the events of February 12 and 13, 2025, these were claimant's second and third days of employment, respectively, and she and other employees were unexpectedly forced to work from home due to inclement weather those days. Claimant testified, without rebuttal, that during this period she had not been assigned any substantive work or instructed on how to perform specific work duties, and therefore implied that having the login information for the third-party service would not have had any meaningful impact on her productivity those days. Transcript at 28. The CFO testified that the concerns which placed claimant's employment in jeopardy "[were not] about whether she worked on those days" but whether she had subsequently been dishonest with him regarding her communications with the third party about obtaining login information. Transcript at 20. Therefore, the remaining focus of the misconduct analysis is on whether claimant made false statements to the CFO regarding login communications, rather than whether she performed work those days.

At hearing, the parties agreed that claimant had received a single email from the third-party on February 13, 2025. Claimant asserted that it did not contain or concern login information and simply stated that claimant "was added to the directory." Transcript at 31. The CFO testified that he accessed claimant's email account to investigate the matter but could not recall whether the email at issue contained login information, and he therefore failed to rebut claimant's testimony regarding the contents of the email. Transcript at 21. Claimant did not rebut the CFO's testimony that she did not reply to that email or send other emails to the third-party on February 12 or 13, 2025. Transcript at 21. The facts have been found in accordance with this unrebutted testimony.

The CFO testified that on the first day back in the office following the inclement weather days, claimant told him that she "was unable to get logged in" on February 12 or 13 because "she didn't receive any emails from this third party." Transcript at 14. The CFO met with claimant on March 4, 2025 and discussed the matter again. The CFO sent an email to claimant on March 6, 2025 to memorialize what had been said during the March 4, 2025 meeting, and wrote, "You shared with me that you did not receive an email from the [third party] about [the system's] log in." Transcript at 32. When asked at hearing to explain the difference in these statements, claimant testified, "I failed to explain the fact that I didn't receive an email with my log in instructions. I did receive an email that said that I was added to the directory. So when I said I didn't receive an email [in February 2025], that's what I was referring to." Transcript at 31. As the record shows that claimant received one email that did not pertain to login information, her March 4, 2025 statement to the CFO was true, and the minor variation in the February statement—that she received *no* email from the third-party, as opposed to *no email about the system's login*—did not amount to a material misrepresentation. Claimant therefore did not willfully or with wanton negligence violate a reasonable employer expectation by making either statement.

Regarding the March 19, 2025 conversation about obtaining the login information, the CFO testified that claimant said she had received an email that did not pertain to login information and that she had "engaged in a back-and-forth conversation with [the third party] on [February 13, 2025]," and "insisted there was a thread… of emails between them." Transcript at 17. The CFO further testified that he had already reviewed claimant's email account and knew there was no email thread, but nonetheless asked claimant to show him the thread, and she was unable to do so. Transcript at 17. Claimant did not directly rebut these allegations, testifying, "I admit I did say, um, that I had been – I had tried to contact, um, the

[third party]. I did not, but I did – I did receive the email and there was no information on how to log in." Transcript at 27. Claimant further testified regarding efforts to obtain the login, "[I]t even took the day – the Monday when we were back after the inclement weather day. It still took me and the person I was replacing almost a whole day to get in touch with… the [third party] in order to get my log in information." Transcript at 27–28. The employer did not rebut this testimony.

The record therefore suggests that claimant did engage in a back-and-forth regarding the login at some point very early in her employment, even if it was not specifically through an email thread on February 13, 2025. The record does not show that claimant willfully or with wanton negligence misrepresented the details of how and when that occurred, as opposed to simply misremembering these details more than a month after the events in question transpired. As such, the record fails to show that the potential discharge claimant faced would have been for misconduct, and OAR 471-030-0038(5)(b)(F) does not bar a finding of good cause for leaving work to avoid the potential discharge. Accordingly, claimant quit work with good cause.

For these reasons, claimant voluntarily quit work with good cause and is therefore not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-310549 is affirmed.

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

DATE of Service: December 22, 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 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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