

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0722

Reversed
No Disqualification

PROCEDURAL HISTORY: On September 5, 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 disqualified from receiving benefits beginning July 20, 2025 (decision # L0012696025).¹ Claimant filed a timely request for hearing. On November 6, 2025, ALJ Wahl conducted a hearing at which the employer failed to appear, and on November 12, 2025 issued Order No. 25-UI-310235, affirming decision # L0012696025. On November 18, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) The Oregon Parks and Recreation Department employed claimant, most recently as a Ranger 1, from April 26, 2022 until July 21, 2025.

(2) Claimant's job required him to interact with the public on a frequent basis. Over the final year of his employment, claimant developed difficulties tolerating stressful work situations and, on some occasions, became angry and yelled at members of the public. For example, in the summer of 2024, the employer disciplined claimant for speaking angrily to a child, and yelling at a camper who had confronted a person who overstayed at a camp site. In February 2025, another ranger complained that while claimant was assisting them on a project, he waved his hands over his head and yelled at park visitors.

¹ Decision # L0012696025 stated that claimant was denied benefits from July 20, 2025 to August 1, 2026. However, decision # L0012696025 should have stated that claimant was disqualified from receiving benefits beginning July 20, 2025 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

(3) On July 20, 2025, claimant was driving a truck with a seasonal ranger as a passenger. The two were together in the confined space of the cab of the truck, and the seasonal ranger was asking claimant questions. The seasonal ranger repeatedly interrupted claimant as he tried to answer. Initially, claimant remained calm and polite with each interruption, stating things like, “If you just give me a moment, the answer will be clear.” Audio Record at 17:22.

(4) The fourth time the seasonal ranger interrupted him, claimant became angry and loudly responded, “I just wish people would fucking just not interrupt me!” Audio Record at 17:31. Claimant immediately “saw who [he] was being” and realized that he had made the seasonal ranger feel unsafe. Audio Record at 17:45. Claimant promptly pulled over and exited the truck. The seasonal ranger was shaken by incident and left work for the rest of the day.

(5) After the incident in the truck, claimant lost confidence in his ability to manage his anger or tolerate conflict to the degree necessary to interact with the public or guide the seasonal rangers who worked under him.

(6) On July 21, 2025, claimant met with his manager. The two talked about the angry outburst claimant had directed toward the seasonal ranger the day before. Claimant shared that he had lost confidence that he could tolerate conflict with members of the public or coworkers without creating an unsafe situation.

(7) During the meeting, the two also talked about what claimant’s options were. Among other things, the manager told claimant that he was going to inform the employer’s human resources (HR) department of claimant’s outburst toward the seasonal ranger, and that claimant’s conduct was a terminating offense. The manager also told claimant that if the employer discharged claimant, “there was no chance of [claimant] getting back into that field or with Oregon Parks and Rec.” Audio Record at 30:31. However, the manager stated that if claimant resigned, he preserved the possibility of being rehired by the employer.

(8) On July 21, 2025, at the conclusion of the meeting with the manager, claimant resigned with immediate effect. Claimant quit working for the employer because he was concerned that he would not be able to interact safely with the public or with his coworkers going forward. Another reason claimant quit was to avoid being discharged for his outburst toward the seasonal ranger and thereby preserve his ability to be rehired by the employer.

(9) Claimant wanted to be considered as available for rehire by the employer. Claimant hoped to address his difficulties with managing anger and later work again for the employer.

(10) After resigning, claimant’s difficulties with managing conflict were so severe that he initially could not leave his house. Eventually, he went to a mental health crisis center and was connected with a counselor who helped him begin to address his difficulties.

CONCLUSIONS AND REASONS: Claimant voluntarily left 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), leaving work without good cause includes:

* * *

(F) Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;

* * *

The order under review concluded that claimant voluntarily left work without good cause. Order No. 25-UI-310235 at 3. The record does not support this conclusion.

Claimant quit working for the employer because after the July 20, 2025 incident, he was concerned that he would not be able to interact safely with the public or with his coworkers going forward. Another reason claimant quit work was to avoid being discharged for his outburst toward the seasonal ranger and thereby preserve his ability to be rehired by the employer. This latter reason for claimant voluntarily leaving work constituted good cause. It therefore is unnecessary to address the former reason claimant resigned.

This case is governed by case law holding that a person may quit work with good cause where the impending discharge would not be for misconduct and other criteria are met. *See McDowell v. Employment Dep’t.*, 348 Or 605, 236 P3d 722 (2010) (claimant had good cause to quit work to 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).

First, the weight of the evidence supports that had claimant not quit, he would have inevitably been discharged for his outburst toward the seasonal ranger. At hearing, claimant testified that during the July 21, 2025 meeting with his manager, the manager made “clear” that claimant’s treatment of the seasonal ranger was “more than likely . . . a terminating offense,” and that the manager intended to initiate the process of discharging claimant by informing the HR department of the incident. Audio Record at 14:45. The preponderance of the evidence shows that the discharge was imminent, as claimant testified that, once HR was informed, the process of being discharged would take about a month. Audio Record at 15:30.

Next, by quitting rather than being discharged, claimant avoided impairment of his future job prospects. During the July 21, 2025 meeting, the manager told claimant that if he was discharged, there was no chance of working for the employer again but that if claimant resigned, he preserved the possibility of being rehired. Claimant wanted to be considered available for rehire. He hoped to address his difficulties managing his anger and conflict, and desired to work for the employer again.

Finally, the discharge that claimant faced for the July 20, 2025 incident would not have been 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).

The employer had a reasonable right to expect that their employees not subject others to angry outbursts such as that claimant directed toward the seasonal ranger, and the record supports that claimant knew as a matter of customary workplace conduct that his behavior was prohibited. However, the record fails to show that claimant’s outburst directed toward the seasonal ranger was a willful or wantonly negligent violation of the employer’s expectations. Claimant’s conduct was not a willful violation because he did not act with the deliberate intent of violating the employer’s expectations. Rather, claimant acted abruptly and reflexively after becoming angry as a result of being interrupted while speaking.

Nor was claimant’s conduct a wantonly negligent violation. The record shows that claimant was interrupted while speaking multiple times in quick succession and remained calm and polite until moved to anger by the fourth interruption. He then suddenly stated in a loud and angry tone, “I just wish people would fucking just not interrupt me!” Audio Record at 17:31. The fast pace at which the situation unfolded suggests that claimant’s outburst was a spontaneous utterance made reflexively and without forethought. The record fails to show that claimant acted with consciousness of his conduct, a necessary condition for claimant’s conduct to amount to wanton negligence. Further, after resigning, claimant sought help from a mental health crisis center that connected claimant with a counselor who helped claimant begin to address his difficulties. This suggests that mental health difficulties were factors that contributed to claimant’s conduct on July 20, 2025, which bolsters the conclusion that claimant’s outburst was an unconscious act, rather than merely something done on impulse that, with effort, could have been controlled.

Accordingly, claimant quit work with good cause to the extent he quit to avoid being discharged and to preserve his ability to be rehired by the employer. Claimant therefore is not disqualified from receiving benefits based on the quit.

DECISION: Order No. 25-UI-310235 is set aside, as outlined above.

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

DATE of Service: **December 26, 2025**

NOTE: This decision reverses the ALJ’s order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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.

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