

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0730

Affirmed
Disqualification

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 was therefore disqualified from receiving unemployment insurance benefits effective June 1, 2025 (decision # L0012691557).¹ Claimant filed a timely request for hearing. On November 18, 2025, ALJ Honea conducted a hearing, and on November 21, 2025, issued Order No. 25-UI-311871, affirming decision # L0012691557.² On November 24, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) IMS Nanofabrication employed claimant as a field service engineer from June 6, 2023 until June 6, 2025. ADP TotalSource DE IV, Inc. served as IMS Nanofabrication's payroll administrator.

(2) On June 5, 2025, a coworker became upset with claimant, "squared up" next to claimant, and said, "[T]he next time you see a veteran, you keep your eyes on the floor," then left the room. Transcript at 6. Claimant took this as a "threat of violence." Transcript at 6. Claimant immediately reported the incident to his supervisor by telephone and email. The email was sent at 1:35 p.m. The supervisor asked claimant if he was safe, and claimant understood the coworker to have left the worksite for the day. Claimant later

¹ Decision # L0012691557 stated that the disqualification from benefits was effective June 8, 2025. However, as decision # L0012691557 asserted that the work separation occurred on June 6, 2025, it should have stated that claimant was disqualified from receiving benefits effective Sunday, June 1, 2025. See ORS 657.176.

² Similarly, Order No. 25-UI-311871 stated that it affirmed decision # L0012691557 and that the work separation occurred on June 6, 2025, but erroneously stated that the disqualification from benefits was effective June 8, 2025, rather than June 1, 2025. Order No. 25-UI-311871 at 2-3. This is presumed to be a scrivener's error, and that the order intended the effective date of the disqualification to be June 1, 2025.

texted the supervisor, asking if “it would be safe to return to work the next day,” but did not receive a response.

(3) On June 5, 2025, after receiving claimant’s complaint, the employer contacted the coworker, asked him about the complaint, and discharged him. The employer deactivated the coworker’s key cards to access work facilities and notified police of the incident. Claimant was not immediately apprised of these developments, as the employer intended to announce them to the entire staff the following afternoon.

(4) In the morning of June 6, 2025, claimant reported for work as scheduled. Claimant knew that the coworker had been scheduled to begin work that afternoon, and would therefore likely not be present at the worksite until that time. Claimant remained unaware of the employer’s response to his complaint, or that the employer planned to announce by that afternoon that the coworker had been discharged. At 9:45 a.m., claimant emailed the employer, stating that he was resigning with immediate effect. Claimant did not work for the employer thereafter.

(5) Claimant resigned because of the coworker’s actions the previous day, and because he was unaware of what the employer had done in response to his complaint. Claimant made no inquiry to the employer on June 6, 2025, prior to submitting his resignation, as to what action had been taken in response to his complaint and whether the coworker would be permitted to return to work that afternoon.

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 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).

Claimant quit work because of his coworker’s actions toward him, which he perceived as threatening violence. The employer did not rebut claimant’s account of what the coworker said and did, or that the coworker’s actions were reasonably perceived as a threat. Claimant was unaware at the time he quit that the coworker had been discharged and locked out of the worksite the previous day, and claimant therefore still felt the coworker posed a threat. Under these circumstances, claimant faced a grave situation.

However, claimant had a reasonable alternative to leaving work. While the employer did not immediately apprise claimant of the action taken in response to his complaint, either on their own or in response to claimant’s later inquiry on June 5, 2025, it would have been a reasonable alternative to quitting for claimant to inquire again about the employer’s response on June 6, 2025. Had claimant done so, he would have learned that the employer had taken reasonable steps to ensure his safety from the threat posed by the coworker, who by then had been discharged. As claimant knew the coworker had not been scheduled to work again until that afternoon, it would have been reasonable to allow the employer

until at least late morning to respond to his complaint and explain their response to him. Because claimant had a reasonable alternative to quitting work when he did, he quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective June 1, 2025.

DECISION: Order No. 25-UI-311871 is affirmed.

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

DATE of Service: December 30, 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.

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

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