

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0748

Affirmed
Disqualification

PROCEDURAL HISTORY: On September 29, 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 effective December 15, 2024 (decision # L0013184460).¹ Claimant filed a timely request for hearing. On November 24, 2025, ALJ Fraser conducted a hearing and issued Order No. 25-UI-312043, affirming decision # L0013184460. On December 4, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted two written arguments on December 4, 2025, at 8:52 a.m. and 5:07 p.m., and submitted a third written argument on December 15, 2025. EAB did not consider the earlier of claimant's arguments submitted on December 4, 2025 because she did not state that she provided a copy of her argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). Additionally, all three of claimant's arguments contained information that was not part of the hearing record.

Claimant suggested that she might have been prevented from offering at least some of the additional information, regarding the garnishment of her wages, into the hearing record "because there was no prior notification of any garnishment, and this was only learned after the hearing." Claimant's Second December 4, 2025 Written Argument at 1. This suggestion is, to some extent, contradicted by claimant's own hearing testimony, in which she referenced concerns about her wages being garnished.² Additionally, much of the documentation enclosed with the written arguments are dated prior to the hearing, and claimant did not show that she was unable to obtain copies of these documents until after the hearing, such that she might have been prevented them from offering the information during the

¹ Decision # L0013184460 stated that claimant was denied benefits from December 15, 2024 to May 16, 2026. However, decision # L0013184460 should have stated that claimant was denied benefits beginning December 15, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

² For example, claimant testified, "And I advised [the employer] not to garnish my paycheck, final paycheck, but she in fact did." Transcript at 35.

hearing due to factors or circumstances beyond her reasonable control. ORS 657.275(2), OAR 471-041-0090 (May 13, 2019).

The only new information in claimant's written arguments which clearly could not have been offered into the record at the time of the hearing consists of correspondence between claimant and the employer's witness that took place after the hearing, and related documentation. This correspondence regarded claimant's ongoing concern that she was not properly paid wages owed to her, or that her wages had been garnished. Even if claimant was prevented by factors or circumstances beyond her reasonable control from offering this information into hearing record, however, claimant has not shown that this information was relevant and material to EAB's determination of whether she had good cause for quitting because, as explained below, this concern was not the proximate cause of her decision to quit. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A). Under ORS 657.275(2) and OAR 471-041-0090, EAB considered only information received into evidence at the hearing. EAB considered any parts of the latter two of claimant's arguments that were based on the hearing record.

FINDINGS OF FACT: (1) Stiles, LLC employed claimant as a personal assistant from April 2 through December 18, 2024. Claimant provided assistance to a resident at a retirement community.

(2) Beginning in November 2024, claimant had some difficulties with her paycheck. These stemmed, at least in part, from claimant's request that one of her paychecks be reissued, and the subsequent stop payment order imposed on the check once it was determined that the same sum had already been direct-deposited into her bank account. Claimant attempted to discuss her concerns with the employer's human resources (HR) representative, but did not receive responses to her inquiries in what she felt was a timely fashion. Claimant felt that this constituted retaliation against her. Additionally, the issues with her paycheck resulted in financial hardship for claimant.

(3) In addition to claimant's concerns about her paycheck, she also felt her "work environment was too hostile," that she was "being bullied," and that the employer would change her schedule without sufficient notice. Transcript at 20.

(4) On December 18, 2024 at approximately noon, the employer's intake coordinator visited claimant at the residence in Beaverton, Oregon where she was working with her client, and told claimant that she would need to submit to a random drug screen. The intake coordinator initially performed a mouth swab test on claimant while on-site with claimant, but the results of that test were inconclusive. As such, at approximately 1:00 p.m., the employer notified claimant that she was required to report for a urinalysis test at a testing facility in Vancouver, Washington. The employer also advised claimant that they would "like her to get [to the testing facility] within the hour... and to not make any stops" on the way there. Transcript at 29.

(5) Claimant was concerned about whether she would be able to get to the facility in Vancouver within an hour, but intended to go. However, around the time that she planned to leave, the fire alarm in her client's building sounded, which required claimant to help the client down several flights of stairs to exit the building. The alarm subsequently sounded another two or three times.

(6) Once claimant received the all-clear from her client's building's management, at approximately 1:28 p.m., she again intended to set out for the testing facility. However, around that time, she received a text

message from the employer's human resources (HR) representative stating that she would not need to return to the client's residence after the test, and that she would be paid for the rest of her shift, which was scheduled to end at 3:00 p.m. The HR representative's intent with this message was merely to allow claimant to report for the test without having to make the drive back to the client's residence, and the employer did not intend to discharge claimant at that point. Nevertheless, claimant understood this message to mean that the employer intended to discharge her if she did not report to the testing facility within an hour of when the employer told her to go. At 1:34 p.m., claimant, realizing that she would not be able to make it to the testing facility in time, sent the employer a text message stating that she was resigning. Claimant did not work for the employer thereafter.

(7) When claimant sent the resignation text message to the employer, she felt that "the threat of being terminated was just way too much for [her] to bear" in light of her other recent frustrations with the employer. Transcript at 20, 15. Prior to resigning, claimant did not ask the employer to clarify whether they intended to discharge her, or why she would not be required to return to work after she finished at the testing facility.

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).

On December 18, 2024, claimant notified the employer via text message that she was resigning. Despite this, claimant asserted at hearing that she felt the work separation was a "constructive discharge," as she felt she "didn't have any other choice [but to quit] at that point." Transcript at 20. However, the record shows that the employer had no intention of discharging claimant that day. Thus, because the record contains no indication that the employer would not have been willing to allow claimant to continue working for them, whereas claimant specifically evinced an unwillingness to continue working for the employer, the work separation was a voluntary leaving.

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). "[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 after she received a notification from the employer that she would not be required to return to work that day after reporting for a drug screen. As a preliminary matter, claimant offered at hearing varying and somewhat conflicting explanations for why she chose to quit. For instance, claimant first testified that she quit because of "all [of] the violations of unpaid wages" and "ignored" time off

requests. Transcript at 6. Claimant likewise testified that the events on December 18, 2024 were “not the final straw” which led her to quit, but that she instead quit due to “multiple things” such as being “retaliated against for whistleblowing” and the “stop payment check for hours that [she] worked after November 20th.” Transcript at 11, 13. Conversely, claimant testified that “[t]he final straw was the threat of termination... to go and submit [to] a drug screen in an untimely manner,” for which she believed she would be discharged “if [she] did not comply.” Transcript at 6.

In light of the above conflicting testimony, the circumstances surrounding the separation itself should be examined to infer the proximate reason for claimant’s decision to quit. Claimant’s concerns about her paycheck arose in November 2024, at least a month prior to the day that she quit, and were apparently ongoing as of the date that she quit. Claimant’s other reported concerns, such as alleged retaliation, also existed prior to December 18, 2024. By contrast, claimant only became concerned about being discharged on December 18, 2024 when she realized that she would not be able to get to the testing facility within the timeline the employer had indicated, and received the text message indicating that she would not have to return to work that day. Claimant quit almost immediately afterwards. Thus, claimant likely would not have quit if not for her belief that she would be discharged if she did not get to the testing facility on time. Therefore, this belief was the proximate cause of claimant’s decision to quit, and the proper focus of the good-cause analysis.

Claimant has not met her burden to show that she faced a situation of such gravity that she had no reasonable alternative but to quit. Claimant’s belief that she was about to be imminently discharged was based on her assumption that the employer would discharge her if she did not report to the testing facility within an hour. Claimant offered no support for this belief other than the text message she had received from the employer’s HR representative, which had indicated that she would not have to return to work after the testing was completed, and which claimant understood to mean that she had been, or would likely be, discharged.

Had claimant attempted to clarify the meaning of the text message before quitting, the HR representative almost certainly would have informed claimant that she had merely meant that she did not expect claimant to make the drive back to Beaverton after driving to Vancouver that afternoon. A reasonable and prudent person, believing that they were facing potential or actual discharge, would have sought to clarify the matter with their employer before assuming that the employment relationship had essentially already ended. Because claimant did not do so, but instead quit based on her mistaken belief that she had been or was about to be discharged, claimant did not quit for a reason of such gravity that she had no reasonable alternative but to quit, and, thus, did not have good cause for quitting.

For the above reasons, claimant quit work without good cause is disqualified from receiving benefits effective December 15, 2024.

DECISION: Order No. 25-UI-312043 is affirmed.

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

DATE of Service: January 14, 2026

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.

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