

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0770

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On September 19, 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 29, 2025 (decision # L0013057224).¹ Claimant filed a timely request for hearing. On November 26, 2025, ALJ Micheletti conducted a hearing, and on December 4, 2025 issued Order No. 25-UI-312972, reversing decision # L0013057224 by concluding that claimant quit work with good cause and was therefore not disqualified from receiving benefits based on the work separation. On December 10, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: The employer did not state that they provided a copy of their argument to claimant 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 their 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) Hurd's Custom Machinery, Inc. employed claimant at their hardware store, most recently from March 15, 2022 until June 30, 2025. Claimant's duties included purchasing and administrative work, as well as serving customers in the store. Claimant previously worked for the employer for many years.

(2) Beginning in 2023, claimant was prescribed medication for depression. In June 2024, claimant's doctor discontinued the medication as necessary for her to undergo spinal surgery that month. Claimant

¹ Decision # L0013057224 stated that claimant was denied benefits from June 29, 2025 to July 11, 2026. However, decision # L0013057224 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 29, 2025, and until she earned four times her weekly benefit amount. *See ORS 657.176.*

had not resumed taking the medication by June 2025, though she continued to experience symptoms of depression and anxiety.

(3) During this period of employment, claimant felt that two store salesclerks were frequently off task, causing claimant to leave her purchasing and administrative duties to assist customers and perform other tasks in the store that she felt the salesclerks should have been doing. This caused claimant stress and anxiety. When claimant raised this issue with management, she was told she could give the salesclerks directions, but they usually ignored her without repercussion from management.

(4) One of the co-owners of the business, K, would at times correct claimant in front of customers or other employees. K also made comments to claimant that she found upsetting, for example, criticizing her for saying “thank you” to someone on the phone. Transcript at 16-17. For these reasons, claimant felt intimidated talking to K and would avoid working at her desk to distance herself from him.

December 2024, claimant complained about K’s conduct to another co-owner, M, who addressed the matter with K. K then apologized to claimant and for a short time changed his behavior, before reverting to the prior behavior. K had primary responsibility for managing the hardware store, while M was primarily responsible for managing a machine shop.

(5) On May 20, 2025, claimant tripped and fell on a concrete floor while assisting a customer. M was nearby, and claimant believed that he merely watched as the customer inquired if claimant was okay and helped her up. Claimant resumed working shortly thereafter. However, claimant was upset that M, who knew she had undergone spinal surgery a year prior, appeared to her unconcerned by her fall. Claimant later filed a successful worker’s compensation claim for injuries sustained in the fall, and at some point after the work separation resumed medication treatment for depression.

(6) By May 2025, claimant’s dissatisfaction with the work environment, particularly K’s behavior, aggravated her depression such that “almost every night of the week when [she] would get home [she] would cry. . . [and] wake up in the morning and be anxious and already stressed out about having to go back in to the office[.]” Transcript at 11.

(7) When employees or others would call M on the telephone, he often disconnected the call mid-sentence after finding out why the person was calling. For example, if claimant called M to tell him that a customer was waiting to see him, M might hang up as claimant was saying who the customer was or the reason they wanted to speak with him. This upset claimant when M did it to her, though M did not consider it inappropriate. In the morning of May 30, 2025, M did this to claimant twice, after which claimant told K that if M did it one more time that day, she would quit work. Later that morning, M again hung up while claimant was speaking to him on the telephone. During the lunch break, claimant decided to quit work due to her dislike of the work environment and its effects on her mental health.

(8) In the afternoon of May 30, 2025, claimant gave notice to M of her intent to resign, effective June 30, 2025. Claimant gave her reasons for quitting as M having “hung up the phone on her a couple times that morning” and the employer allowing the salesclerks to “[get] away” with not working. Transcript at 41. Claimant did not believe that speaking with M or K about her concerns would likely have resolved them, as each had no authority over the behavior of the other, and each seemed resistant to changing their own behavior or their supervision of the salesclerks.

(9) On June 30, 2025, claimant stopped working for the employer as planned.

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 Depart.*, 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 Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had depression, a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h).

Claimant quit work due to her dissatisfaction with the work environment and the effects it was having on her mental health. Specifically, claimant’s dissatisfaction stemmed from one co-owner, M, routinely hanging up the telephone while she was in the middle of speaking to him and his seeming lack of concern when she once tripped and fell, as well as another co-owner, K, routinely insulting her by correcting her in front of others and otherwise making thoughtless remarks. Claimant also felt that two co-workers were unfairly allowed by management to disregard their responsibilities at times, leaving claimant to perform additional tasks beyond what she considered her primary responsibilities. These conditions, separately or in combination, would not cause a reasonable and prudent person of normal sensitivity to leave work.

However, beginning in 2023, claimant was treated for depression with prescription medication. Claimant’s doctor discontinued the medication in June 2024, not because claimant’s symptoms had subsided, but because the medication might have interfered with a planned spinal surgery and recovery period. Claimant’s back was again injured when she fell on May 20, 2025, and she remained under a doctor’s care thereafter. The record suggests that in the absence of medication treatment for depression, claimant’s mental health condition worsened through late 2024 and early 2025, which she attributed to her work environment. Claimant testified that she would cry “almost every night of the week when [she] would get home” from work, and in the mornings would “be anxious and already stressed out and not know how [K] was going to treat [her] that day.” Transcript at 11. Regarding the salesclerks disregarding their responsibilities and management’s failure to respond to claimant’s complaints about it, claimant testified she felt like she “was just in some crazy workplace that [she] didn’t understand what was going on,” and that this made her “very stressed and just anxious” and “[s]ick to [her] stomach about it.” Transcript at 12. Under these circumstances, a reasonable and prudent person with the characteristics and qualities of an individual with an impairment such as claimant’s would leave work due to the impacts of the perceived work environment on their mental health. Claimant therefore faced a grave situation.

Moreover, claimant did not have a reasonable alternative to quitting when she did. Claimant had previously made her concerns known to M and K regarding the behavior of M, K, and the salesclerks. M testified that he and K were equals within the leadership structure of the business, and therefore implied that each had no authority to control the behavior of the other. Transcript at 43-44. M confirmed that claimant had complained to him about K’s behavior in December 2024, and that he had spoken with K

about it at that time. M did not rebut claimant's testimony that the conversation had little long-term effect on K's behavior towards claimant, which improved for only a short period before reverting to what it had been. Claimant therefore reasonably viewed further complaints about K's behavior to either M or K as likely to be fruitless. M's testimony suggested that he did not consider his practice of hanging up the telephone on people while they were speaking to him to be rude or inappropriate, and that he did not intend to change it, and therefore it likely would have made little difference if claimant had complained about it to him earlier than she did. *See* Transcript at 47-50. M also suggested that he shared, to some degree, claimant's concerns about the work ethic of the salesclerks, but he testified that it was K's responsibility as the manager of the hardware store to address that issue, and did not rebut claimant's testimony that K repeatedly failed to do so. Transcript at 43. Therefore, more likely than not, it would have been futile for claimant to have made further complaints about any of these issues to M or K. The record suggests that claimant was following her doctor's recommendations regarding treatment for depression—options for which may have been limited in late May 2025 due to prioritizing her recently-aggravated spinal condition—and pursuing more extensive mental health treatment at that time would therefore not have been a reasonable alternative to quitting. Accordingly, claimant had no reasonable alternative but to quit work when she did, and therefore quit with good cause.

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

DECISION: Order No. 25-UI-312972 is affirmed.

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

DATE of Service: January 16, 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.

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 naaiintindihan 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

Laotian

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກໍາມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງຍິ່ງຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للبرلمانية لمحكمة الاستئناف بأورغون وذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فرجم خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان در خواست 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

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.