

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0010

Affirmed
No Disqualification

PROCEDURAL HISTORY: On October 15, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct and claimant therefore was disqualified from receiving unemployment insurance benefits effective September 7, 2025 (Decision # L0013369469).¹ Claimant filed a timely request for hearing. On December 19, 2025, ALJ Enyinnaya conducted a hearing, and on December 23, 2025, issued Order No. 25-UI-315237, reversing decision # L0013369469 by concluding that the employer discharged claimant, but not for misconduct, and claimant therefore was not disqualified from receiving benefits based on the work separation. On December 26, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) The City of Hillsboro employed claimant as a library administrative support specialist from November 12, 2024 until September 11, 2025.

(2) The employer had a “core value” that required all employees to “lead[] with ethics, integrity[,] and accountability.” Transcript at 5. Claimant was not specifically aware of the leading with ethics, integrity, and accountability core value. The employer expected library staff to ensure that they used workstations with their own log-in credentials, and to log out of another employee’s credentials and log back in with their own, if necessary. However, claimant understood it was a common practice to use an existing log-in at a workstation to check out a library item. The employer also expected employees to refrain from using another employee’s individual “bar code” number to access their library account and check out an item for them. Transcript at 8. However, claimant understood employees were allowed to access the account of another employee to check out an item for that employee, if the employee gave them permission to do so.

¹ Decision # L0013369469 stated that claimant was denied benefits from September 7, 2025 to September 19, 2026. However, decision # L0013369469 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 7, 2025 and until she earned four times her weekly benefit amount. See ORS 657.176.

(3) On August 13, 2025, claimant was working in an upstairs area of the library. A coworker had placed a hold on a video game that was in the downstairs area of the library, behind a desk. The coworker asked claimant to go downstairs, check the item out for her, and bring it to her. The coworker wrote her bar code number on a Post-It note for claimant to access her account to complete the check-out transaction, and gave the note to claimant.

(4) Claimant agreed to do as the coworker had asked. Claimant went downstairs and retrieved the item from behind the desk. She then approached a workstation that was logged in with a different employee's credentials, and used the workstation without logging out of the other employee's credentials and logging back in with her own. Claimant used the workstation to access the coworker's account with the bar code number, checked out the item for the coworker, took the item upstairs, and gave the item to the coworker.

(5) Thereafter, the coworker complained to the employer that she had received a notification that her item on hold was ready, but that the item was missing. The employer began an investigation, and reviewed camera footage showing claimant checking out the item at the downstairs workstation and walking away with it. On August 28, 2025, the employer interviewed claimant, and claimant maintained that she had checked out the item and given it to the coworker at the coworker's request. The coworker denied asking claimant to check the item out for her or ever receiving the item from claimant. Later, the item was anonymously returned to the library.

(6) The employer believed that claimant's explanation was not credible. The employer further believed that claimant had acted improperly by using the workstation without logging out of the other employee's credentials and logging back in with her own, and had not been given the coworker's bar code number but had improperly obtained the number by accessing the coworker's account without permission, and then had acted improperly by using the number and checking out the item for the coworker. The employer concluded that claimant's conduct violated their core value that all employees lead with ethics, integrity and accountability.

(7) On September 11, 2025, the employer discharged claimant for her conduct on August 13, 2025.

CONCLUSIONS AND REASONS: The employer discharged claimant, but not for misconduct.

ORS 657.176(2)(a) requires a disqualification from unemployment insurance benefits if the employer discharged claimant for misconduct connected with work. "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) (September 22, 2020).

"[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). In a discharge case, the employer has the burden to establish misconduct by a preponderance of evidence. *Babcock v. Employment Division*, 25 Or App 661, 550 P2d 1233 (1976). Good faith errors are not misconduct. OAR 471-030-0038(3)(b).

The employer did not meet their burden to prove that claimant's conduct on August 13, 2025 constituted a willful or wantonly negligent violation of their expectations. On that date, claimant used a workstation logged in with a different employee's credentials to access the coworker's account with the bar code number the coworker had given her, and checked out the item for the coworker at the coworker's request.

At hearing, the employer's witness testified that claimant's conduct on August 13, 2025 violated the employer's core value of "[l]eading with ethics, integrity and accountability." Transcript at 5. The witness further testified that the "standard protocol" was for employees to use a workstation with one's own log-in credentials, and to log out of another employee's credentials and log back in with one's own, if necessary. Transcript at 6. The witness also stated that checking out a library hold using another employee's bar code number was prohibited. Transcript at 11.

Claimant rebutted the employer's witness's testimony as to the employer's expectations, testifying that the employer's leading with ethics, integrity, and accountability core value had not been specifically discussed with her during her employment. Transcript at 14. Claimant further testified that it was a common practice to use the existing log-in at a workstation to check out a library item, rather than logging out of another employee's credentials and logging back in with one's own. Transcript at 15, 16. Claimant also stated that she was not aware that checking out an item on hold for another employee was prohibited, and testified that doing so at the request of an employee was "a very common occurrence at the library." Transcript at 16.

Thus, the employer did not prove that claimant knew and understood that using a workstation logged in with a different employee's credentials or accessing a coworker's account to check out an item for them at their request was prohibited. The record therefore fails to show that claimant violated the employer's expectations willfully or with wanton negligence, or that claimant's conduct was not the result of a good faith error in her understanding of the employer's expectations.

The employer further asserted that they did not find credible claimant's explanation that she had received permission from the coworker to use her bar code number to access the account and check out the item. Transcript at 7. The record shows that the employer's belief that claimant's explanation was not credible rested largely on the fact that during their investigation, the coworker denied asking claimant to check out the item for her. Transcript at 7. Though this account conflicted with claimant's testimony that she had checked out the item at the coworker's request, claimant's firsthand account, offered under oath and subject to cross-examination, is entitled to more weight than hearsay evidence of what the coworker told the employer during their investigation. Accordingly, the weight of the evidence favors claimant's account that she had accessed the coworker's account and checked out the item at the coworker's request.

For the above reasons, the employer discharged claimant, but not for misconduct. Claimant is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-315237 is affirmed.

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

DATE of Service: January 30, 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 Tự 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 – សេចក្តីសម្រចនេះមានធនប៉ះពាល់ដល់អគ្គប្រយោជន៍គ្មានការងាររដ្ឋូរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នាមាមេ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចនេះទេ លោកអ្នកអាជីវការការពិនិត្យធម្មីរដ្ឋីឡើងវិញជាមួយគុណភាពខ្លួនណ៍ដូច Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដើម្បីសេរនោះខាងមុនបញ្ចប់នៃសេចក្តីសម្រចនេះ។

Laotian

ເອົາໃຈສ់ – ការតັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈការតັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການຊຸ່ອທອນການຈ້າງງານໃນຫັນທີ່. ຖ້າທ່ານບໍ່ເຫັນຕິນໍາការតັດສິນນີ້, ທ່ານສາມາດຢືນការຮ້ອງຂໍການທີ່ບໍ່ທວນការតັດສິນນີ້ສານຊຸ່ອທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງຂອງការតັດສິນນີ້.

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 للمراجعة القانونية بمحكمة الاستئناف بأوريجون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلاfacسله با هیأت فرجام خواهی استخدام تماش بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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