

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0019**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On October 6, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective August 24, 2025 (decision # L0013349136).<sup>1</sup> Claimant filed a timely request for hearing. On December 17, 2025, ALJ Murray conducted a hearing and issued Order No. 25-UI-314676, affirming decision # L0013349136. On December 31, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Alameda Properties, Inc. employed claimant as a laundry attendant at one of their hotels from September 25, 2023 through August 26, 2025.

(2) In or around 2016, claimant was diagnosed with an anxiety disorder. During her employment with the employer, claimant was under the care of her primary care physician and therapist to treat the anxiety disorder. Claimant also took a medication to manage her anxiety.

(3) Beginning in or around January 2024, claimant began to experience sexual harassment from one of her coworkers with whom she worked in close proximity. This consisted of behavior such as verbal comments, standing near claimant while she worked and observing her, and “blowing kisses” at her. Transcript at 12. In January 2024, claimant first spoke to the hotel’s general manager about her concerns, but he took no action to stop the harassment. After that date, the harassment continued, exacerbating claimant’s anxiety symptoms and causing her to suffer panic attacks. Claimant continued to report the behavior to both the general manager and the assistant general manager, but they did not intervene. At one point, in response to claimant’s request for them to intervene, the managers instead suggested that claimant herself speak to the harasser, which claimant did not feel comfortable doing.

<sup>1</sup> Decision # L0013349136 stated that claimant was denied benefits from August 24, 2025 to August 29, 2026. However, decision # L0013349136 should have stated that claimant was disqualified from receiving benefits beginning Sunday, August 24, 2025 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(4) On July 22, 2024, claimant again brought the harassment issue to both the general manager and assistant manager, and suffered a panic attack in front of them. The managers again failed to intervene. Claimant eventually doubled her anxiety medication, and started taking another medication entirely, in an attempt to manage her symptoms.

(5) In or around August 2025, the employer installed cameras in the laundry room where claimant worked. When claimant discovered this, she felt, in light of the employer's failure to intervene in the harassment, that the employer was not "paying attention to [their employees], and they only cared about their property." Transcript at 20. Claimant therefore decided to quit. On August 16, 2025, claimant notified the employer of her intent to resign, effective August 28, 2025.

(6) After giving the employer her notice of resignation, claimant spoke to the hotel's maintenance manager about the harassment issue. The maintenance manager gave claimant a phone number for the employer's human resources (HR) department, which claimant called. Claimant had not previously attempted to contact the HR department about the harassment issue because she had never previously experienced harassment at work and, because the employer had not informed her of what to do if she was harassed, she believed that addressing the issue with her managers was the correct course of action.

(7) On August 22, 2025, claimant spoke on the phone with the employer's HR director regarding the harassment. During the call, the HR director told claimant that the employer took such concerns seriously, and that they would investigate the matter, which would require them to speak to everyone involved. The HR director then asked claimant what her preferred outcome would be, to which claimant responded that she wanted anti-harassment training for staff and management. Claimant also reiterated during the call that her intended last day of work would be August 28, 2025.

(8) By August 26, 2025, claimant "just couldn't take [the harassment] anymore." Transcript at 6. As such, claimant quit, effective that day. At the time she quit, the employer's investigation into the harassment matter was still ongoing.

(9) Prior to quitting, claimant did not seek a transfer to a different position or at another of the employer's hotels. Had she done so, the employer "could have easily put her at another hotel[.]" Transcript at 18.

**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 an anxiety disorder, a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h).

Claimant voluntarily quit work because another employee had been sexually harassing her for nearly two years, without intervention from management. This was a grave situation. The order under review concluded the same, but nevertheless concluded that claimant quit work without good cause because she failed to seek reasonable alternatives prior to quitting. Order No. 25-UI-314676 at 3–4. In particular, the order under review determined that claimant had “multiple potential options, including taking a leave of absence while the employer completed the investigation and transferring to a position at another hotel location.” Order No. 25-UI-314676 at 3–4. The record does not support the conclusion that these were reasonable alternatives to quitting.

As to the suggestion that claimant could have taken a leave of absence while the employer completed the investigation, the record does not actually show that a leave of absence was available to claimant. For a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual. *Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996). Further, even if a leave of absence was available to claimant, the record does not show how long such a leave would have lasted, or that it would have been paid. See *Sothras v. Employment Division*, 48 Or App 69, 616 P2d 524 (1980) (despite being on an unpaid leave of absence for more than a month claimant remained unable to return to work; the court held that “a protracted, unpaid leave of absence is not a ‘reasonable alternative’ to leaving work and being unemployed; indeed it is not an alternative at all”); *Taylor v. Employment Division*, 66 Or App 313, 674 P2d 64 (1984) (claimant had good cause to leave work after being suspended without pay for over a month, and there was no end in sight to the suspension). Therefore, taking a leave of absence while the investigation concluded would not have been a reasonable alternative to quitting.

As to the suggestion that claimant could have transferred to another of the employer’s hotels, while the record shows that claimant could have done so, it does not show where the employer’s other hotels were located in relation to claimant’s residence. Under ORS 657.190, “[i]n determining whether any work is suitable for an individual, the Director of the Employment Department shall consider, among other factors, the degree of risk involved to the health, safety and morals of the individual, the physical fitness and prior training, experience and prior earnings of the individual, the length of unemployment and prospects for securing local work in the customary occupation of the individual and **the distance of the available work from the residence of the individual.**” (Emphasis added). Because the record does not show that the employer operated any other hotels to which claimant could have transferred that were within a reasonable commuting distance from her residence, substantial evidence does not support the conclusion that it would have been a reasonable alternative for claimant to transfer to another hotel. Therefore, transferring to another hotel would not have been a reasonable alternative to quitting. Moreover, this option was not offered to claimant by the general manager or assistant manager when claimant reported the harassment to them.

While claimant did not seek intervention from HR in the harassment matter until after she had already given her notice of resignation, doing so at an earlier date would not have been a reasonable alternative to quitting under the circumstances. The record shows that claimant repeatedly asked management to intervene in the matter, as she believed this was the correct course of action, but that they did not intervene; and that the employer had not previously informed her that she should have instead approached HR to seek their intervention. Given that claimant neither knew nor had reason to know that HR might have been able to intervene until she was informed of this fact after she already gave her notice of resignation, doing so at an earlier date would not have been a reasonable alternative to quitting.

Neither would it have been a reasonable alternative for claimant to wait until the August 2025 investigation concluded. By that point, claimant had already significantly increased her medications in an attempt to manage her anxiety, but still found the situation intolerable. Under such circumstances, a reasonable and prudent person suffering from an anxiety disorder would not have continued to work for the employer for an additional period of time in the hopes that the investigation would result in improved working conditions.<sup>2</sup> Therefore, waiting for the outcome of the investigation would not have been a reasonable alternative to quitting.

In sum, claimant quit work for a reason of such gravity that she had no reasonable alternative but to quit. Claimant therefore 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-314676 is set aside, as outlined above.

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

**DATE of Service:** February 12, 2026

**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.

---

<sup>2</sup> See also *J. Clancy Bedspreads and Draperies v. Wheeler*, 152 Or App 646, 954 P2d 1265 (1998) (where unfair labor practices are ongoing or there is a substantial risk of recurrence, it is not reasonable to expect claimant to continue to work for an indefinite period of time while the unfair practices are handled by BOLI); compare *Marian Estates v. Employment Department*, 158 Or App 630, 976 P2d 71 (1999) (where unfair labor practices have ceased and the only remaining dispute between claimant and the employer is the resolution of the past issues, it was reasonable for claimant to continue working for the employer while litigating the claim).



# 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](mailto:appealsboard@employ.oregon.gov)  
 Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://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.