

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0152

Modified
Disqualification Effective September 21, 2025

PROCEDURAL HISTORY: On November 7, 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 October 5, 2025 through October 3, 2026 (decision # L0013840723). Claimant filed a timely request for hearing. On January 26, 2026, ALJ Parnell conducted a hearing, and on January 28, 2026 issued Order No. 26-UI-318355, modifying decision # L0013840723 by concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving benefits effective September 15, 2025 and until requalified under Department law.¹ On February 14, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Fred Meyer Stores, Inc. employed claimant as the deli manager of one of their grocery stores from November 1, 2021 through September 25, 2025.

(2) In or around mid-2025, the assistant store manager to whom claimant regularly reported left for maternity leave. “M” was appointed to fill that role while the other manager was out on leave. Claimant subsequently felt that M was unfairly scrutinizing claimant’s conduct. This included an instance where M issued claimant a warning for having left a cup of coffee in a drawer in a food-preparation area in claimant’s department. Claimant had been aware of the employer’s policy prohibiting the storage of such items in food-preparation areas, but had believed that doing so in this instance was permissible because her previous manager had allowed such storage so long as the item in question was “out of sight [so that it] wasn’t sitting on a table where you have food prep[.]” Transcript at 24.

(3) On September 12, 2025, claimant, concerned about her status with the employer because of M’s scrutiny, approached the store manager and asked to discuss her concerns with him. Despite telling the

¹ Although Order No. 26-UI-318355 stated it affirmed decision # L0013840723, it modified that decision by changing the disqualification date. Order No. 26-UI-318355 at 4.

store manager that she was open to constructive criticism, the store manager told claimant that he was not concerned about her performance. Transcript at 18.

(4) On September 15, 2025, the store's human resources (HR) manager and M called claimant into a meeting. During the meeting, the HR manager told claimant that, due to performance issues, claimant was to be suspended for three days. Claimant was taken aback due to the store manager's reassurances, and felt that this was unfair. Due to this, and her growing frustration toward M, claimant stated, "I hate you. I fucking hate you. Take this job and shove it up your fucking ass. I hate you. I quit." Transcript at 5. The HR manager then asked claimant if she was giving a two-week notice or quitting immediately, and claimant confirmed that she was quitting immediately. Then the HR said, "[o]kay, if that's what you want to do, but let us sit down and finish this and think about what you are doing." Transcript at 32. In response, claimant stated, "I'll take the suspension, but I'm going to step down. I want out of my department, and I'm not fucking working with [M]. I can't fucking stand [M]." Transcript at 32-33. The employer subsequently suspended claimant for three days. The employer informed claimant that when claimant returned from her suspension they would address what happened during the September 15, 2025 meeting.

(5) On September 19, 2025, after her suspension ended, claimant was called into a meeting with the human resources manager and another assistant store manager, "C." C asked claimant to confirm what she had said in the previous meeting, and then directed claimant to write a statement explaining what had happened, which claimant did. In the written statement, claimant asked the employer to forgive her for her conduct during the previous meeting, explained that she had acted as she did because she had been upset, and told the employer that she still needed her job. The HR manager then forwarded claimant's statement to the employer's "labor and associate relations department" so that the latter could determine how to proceed with claimant's employment. Transcript at 6.

(6) On September 25, 2025, the HR manager called claimant into another in-person meeting. At that time, she informed claimant that the employer had decided to accept claimant's resignation. Claimant did not work for the employer thereafter. However, if the employer had not accepted claimant's resignation, claimant would have been willing to continue working for the employer.

(7) On prior occasions, claimant had witnessed the other employees, including members of management, return from a suspension from work and then continue to work for the employer.

CONCLUSIONS AND REASONS: Claimant voluntarily 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). The date a claimant is separated from work is the date the employer or claimant ends the employer-employee relationship. OAR 471-030-0038(1)(a).

The parties disputed the nature of the work separation, as the employer asserted that claimant had quit, whereas claimant testified that she “definitely did not quit.” Transcript at 5, 21. Both parties agreed that claimant initially told the employer, during the September 15, 2025 meeting, that she was quitting with immediate effect. Nevertheless, the record shows that claimant did not separate from employment on that date, as, after the HR manager told claimant to “think about what you are doing,” claimant responded, “I’ll take the suspension, but I’m going to step down [from the management role].” Thus, almost immediately after claimant announced that she was resigning, she implicitly tried to rescind resigning with immediate effect. Claimant explicitly attempted to rescind her resignation on September 19, 2025 in the written statement the employer prompted her to write, by stating that she still needed her job. The employer did not accept these attempts at rescission, but instead accepted claimant’s resignation, as conveyed to her on September 25, 2025.

Despite claimant’s attempts to rescind her resignation and her overall willingness to have continued working for the employer, the work separation is properly classified as a voluntary leaving. In *Counts v. Employment Department*, 159 Or App 22, 976 P2d 96 (1999), the claimant, a police chief, gave the employer two months’ notice of his intended resignation. Approximately one week later, the employer’s city council discussed the notice of resignation, but took no action at that time. Approximately one month after the claimant gave the employer his notice, he wrote the employer another letter, requesting to rescind the resignation. Approximately one week after that, the city council voted not to allow the rescission. The claimant ultimately worked until the last date he had intended to work, per his original notice, at which point his employment ended. Despite the claimant’s change of heart and subsequent willingness to continue working for employer, as evidenced by his attempted rescission, the Court of Appeals nevertheless held that the work separation remained a voluntary leaving. The circumstances in the present matter are functionally similar to those in *Counts*.

Here, while claimant initially resigned with what was intended as immediate effect, rather than a longer notice period, she tacitly agreed to stay employed and allow the planned suspension to take effect. By doing so, she implicitly tried to rescind her immediate resignation. She did so explicitly a few days later, when the employer directed her to draft her written statement. The employer, by way of their labor and associate relations department, considered this attempt to rescind the resignation, but ultimately rejected it. Thus, claimant, in attempting rescission of her resignation, at least implicitly acknowledged that in order for her to continue working for the employer, they would have to agree to take her back. Because they did not do so, the employer’s decision amounted to no more than an acceptance of claimant’s original resignation. As such, despite claimant’s later willingness to continue working for the employer, the work separation was essentially an effectuation of her initial unwillingness to do so, and was therefore a voluntary leaving that occurred on September 25, 2025.

Voluntary Quit. 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 offered her resignation during the September 15, 2025 meeting in which the employer told her that she was being suspended for three days due to performance issues. To the extent that claimant quit because of her frustration with what she perceived to be unfair scrutiny by M, claimant did not meet her burden to show that she had good cause to leave work. While claimant's frustration is understandable, claimant, first, did not show that the scrutiny was actually unfounded. The primary example that claimant gave of M's scrutiny of claimant's behavior, for instance—the leaving of a cup of coffee in a drawer in the food-preparation area—involved claimant's apparent violation of a policy that claimant was aware of, but believed did not apply in that particular circumstance. Despite the fact that claimant might have had reason to believe that she was acting in accordance with the policy, she did not show that it was unfair or unreasonable for M to issue claimant a warning based on claimant's violation of the policy. The record does not show what performance issues led to the September 15, 2025 meeting and suspension, and claimant did not, for instance, show that the employer's concerns about these issues were unfounded.

Further, while it is clear that claimant was upset about the disciplinary actions taken against her, claimant did not show that they had any heightened effect on her other than causing her to be upset. While it is understandable that an individual might become upset in such circumstances, disciplinary proceedings based on concerns about an employee's work performance are a regular feature of employment, and a reasonable and prudent person would not conclude that being so disciplined was, in and of itself, a situation of such gravity that they had no reasonable alternative but to quit.

Additionally, even if claimant's situation was grave, she had reasonable alternatives to quitting. For instance, the record shows that claimant knew that other managers had been suspended in the past for similar issues, and that they were sometimes able to continue working for the employer after the suspension. Instead of losing her composure in the September 15, 2025 meeting and announcing her resignation, claimant could have simply accepted the suspension, as she later did, and then returned to work with an eye towards improving her work performance. Likewise, the record shows that both the HR manager and C, following claimant's conduct during the September 15, 2025 meeting, offered claimant chances to consider her position and explain her side of things to the employer. This suggests that they would also have most likely been willing to discuss claimant's concerns about M, had she brought her concerns to them, and intervene if necessary. Doing so would have been a reasonable alternative to quitting.

Finally, the record shows that claimant had suggested during the September 15, 2025 meeting that she would have liked to step down from her management position or otherwise no longer report to M; that the store had other departments which M did not supervise; and that M was only temporarily assigned to the supervisory role over claimant, as she had been covering for another manager who was out on maternity leave. It stands to reason that, rather than quitting, claimant could have either requested demotion or reassignment, or wait until the other manager returned from maternity leave, so that she no longer had to work under M. Thus, these would have been reasonable alternatives to quitting that claimant failed to pursue prior to announcing her resignation.

For the above reasons, claimant did not face a situation of such gravity that she had no reasonable alternative but to leave work. Claimant therefore voluntarily quit work without good cause, and is disqualified from receiving unemployment insurance benefits effective September 21, 2025.

DECISION: Order No. 26-UI-318355 is modified, as outlined above.

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

DATE of Service: April 1, 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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