

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0161-R**

*EAB Decision 2026-EAB-0161 Followed on Reconsideration  
No Disqualification*

**PROCEDURAL HISTORY:** On September 3, 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 22, 2025 (decision # L0012649917).<sup>1</sup> Claimant filed a timely request for hearing. On December 17, 2025, ALJ Parnell conducted a hearing, and on December 19, 2025 issued Order No. 25-UI-314970, reversing decision # L0012649917 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On January 6, 2026, the employer filed an application for review with the Employment Appeals Board (EAB).

On March 18, 2026, the deadline to file written arguments in this case, EAB issued EAB Decision 2026-EAB-0161, affirming Order No. 25-UI-314970. Also on March 18, 2026, after EAB Decision 2026-EAB-0161 was issued, EAB received a timely-filed written argument from the employer. Because the written argument was filed on time, EAB will issue a new decision that addresses the written argument. This decision is made based on EAB's authority under ORS 657.290(3).

**WRITTEN ARGUMENT:** The employer's March 18, 2026 argument contained information that was not part of the hearing record. The employer did not show that factors or circumstances beyond the

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<sup>1</sup> Decision # L0012649917 stated that claimant was denied benefits from June 29, 2025 to July 18, 2026. However, as decision # L0012649917 concluded that the work separation occurred on June 24, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 22, 2025, and until she earned four times her weekly benefit amount. See ORS 657.176.

employer's reasonable control prevented them from offering the information during the hearing, such as requesting admission of the proposed exhibits to evidence or calling witnesses to testify to the information. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of the employer's argument that were based on the hearing record.

ORS 657.270(3) and (4), and OAR 471-040-0025(1) (August 1, 2004) require that the ALJ inquire fully into the matters at issue and give all parties reasonable opportunity for a fair hearing. The employer asserted that the record was not sufficiently developed to meet this standard, in part because their representative at hearing was inexperienced, had inadequate time to prepare, and lacked first-hand knowledge of the events leading to the work separation. Employer's March 18, 2026 Argument at 2. However, the employer did not request postponement of the hearing date, and it was their decision to have this representative, rather than one with more experience or personal knowledge of the issues, appear and proceed with the hearing. The employer also asserted that the record was insufficiently developed by contending that if the ALJ had engaged in a more thorough examination of claimant, the testimony she gave during the hearing would have been proven "not credible." Employer's March 18, 2026 Argument at 3. However, the employer's representative was given the opportunity to cross-examine claimant regarding her testimony and declined to do so. Transcript at 25. It is unlikely that additional questioning by the ALJ would have yielded testimony from claimant that differed substantially from what was given at the hearing. Accordingly, the record shows that the ALJ inquired fully into the matters at issue and gave all parties reasonable opportunity for a fair hearing as required by ORS 657.270(3) and (4), and OAR 471-040-0025(1).

The employer's substantive arguments largely focused on asserting that, regarding each of the events claimant construed as the employer retaliating against her for having complained to an outside organization about the district attorney's prosecutorial and management decisions, there existed an alternate explanation for the employer's actions. Employer's March 18, 2026 Argument at 3-5. It is important to note that EAB Decision 2026-EAB-0161 did not conclude that claimant established by a preponderance of the evidence that the employer had actually engaged in retaliation against her. Instead, that decision concluded that claimant's *perception* that the employer was engaging in a pattern of hostile and retaliatory treatment toward her was having a grave effect on her health, such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would quit work due to the health impacts of the work environment as claimant perceived it. The employer's argument did not point to specific evidence in the record that would rebut claimant's testimony that she experienced serious health problems based on her perceptions of the work environment, or that her belief that she was facing ongoing retaliation was, regardless of its accuracy, sincerely held. For those reasons, and as explained in greater detail below, EAB Decision 2026-EAB-0161 is followed on reconsideration.

**FINDINGS OF FACT:** (1) Hood River County employed claimant as a victim advocate director in the district attorney's office from August 14, 2023 until June 23, 2025.

(2) By April 2025, claimant had come to generally disagree with the district attorney's prosecutorial decisions and philosophy, and believed that they negatively impacted the crime victims claimant supported in her work. Claimant believed the district attorney wanted restorative justice as opposed to jail time. Transcript at 11. That month, claimant called the National Crime Victims Law Institute (NCVLI), a nonprofit advocacy organization, "attempting to make a report on what [claimant] believed

was. . . a rights violation,” by which she meant the district attorney’s charging decisions, treatment of crime victims, and “restorative justice. . . agenda” was causing the “voices not being heard of victims.” Transcript at 10-11.

(3) The district attorney overheard claimant’s call to NCVLI and privately reprimanded her for it. Thereafter, claimant believed that she was being retaliated against in various ways. These included that the district attorney and his office manager were telling other employees that claimant had been sleeping on the job and had an alcohol problem; denying claimant’s requests to attend certain trainings or conferences; issuing a reminder to employees to dress appropriately for work and not display “cleavage,” which claimant felt was directed at her; directing claimant not to close her office door while working except when expressing breast milk; and the district attorney speaking with victims directly and not coordinating the conversations with claimant. Transcript at 12.

(4) As a result of this work environment, claimant experienced stress, difficulty focusing, and sleep loss, for which she sought treatment from her doctor and a therapist. The doctor supported claimant in a request for intermittent protected leave of two days per week beginning in mid-May 2025, which the employer granted. This leave was projected to end at some point in July 2025. Claimant also complained about her work environment to a contact at the Oregon Department of Justice, but was told that they could not assist with her complaints.

(5) At some point between April and June 2025, claimant applied to transfer to another position with the employer that would be supervised by the sheriff’s department. Shortly before claimant interviewed for that position, the district attorney arranged to be part of the interview panel. Claimant ultimately was not selected for the position. Claimant felt that this constituted additional retaliation. A human resources representative familiar with the contentious relationship between claimant and the district attorney, through assisting claimant with her protected leave request, had alerted claimant to the district attorney’s last-minute addition to the panel.

(6) From approximately June 16 through 22, 2025, claimant was on pre-planned vacation leave. Prior to this leave, claimant was told that things “would look different when [she] came back,” but not whether this would entail a change in office space. Transcript at 7. During the vacation leave, a coworker told claimant that her things had been moved to a smaller office and the district attorney had moved into claimant’s former office, which was the largest in the building. Claimant believed that her new office would be too small to accommodate speaking to several people at once.

(7) On Sunday, June 22, 2025, claimant emailed the employer notice of her resignation, to become effective on July 4, 2025. Claimant decided to quit due to her dissatisfaction with the work environment and its impact on her health, but wrote in the email that she was quitting work “in order to focus on completing [her] MBA program and to devote more time to [her] family.” Exhibit 1 at 1. Claimant did not actually intend to enroll in an MBA program and considered being moved to a smaller office “the final straw of it all” in her decision to quit. Transcript at 20.

(8) On June 23, 2025, claimant reported for work as scheduled. That day, the district attorney presented claimant with an annual review that was critical of her performance. Claimant felt the review was “unjust” and made in retaliation because the district attorney, claimant believed, had learned that she

planned to make a “hostile work environment claim against him.” Transcript at 9. Claimant decided not to work the remainder of the notice period and did not work for the employer after June 23, 2025.

(9) On December 19, 2025, Order No. 25-UI-314970 was issued, reversing decision # L0012649917 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. The employer filed an application for review with EAB, and on February 26, 2026, EAB mailed an acknowledgement of receipt of the application for review to the parties. The deadline to file a written argument with EAB was therefore March 18, 2026. *See* OAR 471-041-0080(1) (May 13, 2019). On March 18, 2026, EAB issued EAB Decision 2026-EAB-0161, affirming Order No. 25-UI-314970. Also on March 18, 2026, at approximately the same time EAB Decision 2026-EAB-0161 was being distributed to the parties, EAB received a written argument from the employer.

**CONCLUSIONS AND REASONS:** EAB Decision 2026-EAB-0161 is reconsidered on EAB’s own motion. EAB Decision 2026-EAB-0161 is followed on reconsideration.

**Reconsideration.** ORS 657.290(3) authorizes EAB to reconsider any previous decision of the Employment Appeals Board, including “the making of a new decision to the extent necessary and appropriate[.]” The employer filed a timely written argument on March 18, 2026. EAB is reconsidering EAB Decision 2026-EAB-0161 on its own motion to permit EAB to consider the employer’s timely written argument and issue a new decision.

**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) (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 quit due to her dissatisfaction with the work environment over the previous two to three months, and its effect on her health. Though claimant gave the employer a different reason for quitting in her June 22, 2025 email, claimant explained at hearing that she gave the false reason in the hopes of avoiding further conflict during the notice period. Transcript at 31. The health impacts claimant experienced included stress, difficulty focusing, and sleep loss, which, in the opinion of her doctor, limited her to working only three days per week beginning in mid-May 2025. Over the next month, claimant’s perception of hostile and retaliatory treatment only deepened. As such, the record suggests that the impacts on claimant’s health were unlikely to improve over time despite the use of intermittent protected leave, which was set to end in July 2025. Under these circumstances, claimant faced a grave situation.

Furthermore, claimant had no reasonable alternative to leaving work. Claimant’s dissatisfaction with the work environment and resulting health impacts largely stemmed from her belief that the elected district attorney was retaliating against her and treating her with hostility. It is reasonable to infer that claimant therefore could not have sought relief from others in authority at the district attorney’s office. Claimant received assistance from a human resources representative in seeking intermittent protected leave, and

the same representative warned claimant of the district attorney adding himself at the last minute to the interview panel for the transfer position to which she applied. This suggests that the representative was, to some degree, aware that claimant was seeking to distance herself from the district attorney and that she was experiencing work-related health issues. Claimant took the advice of this representative in seeking the transfer position and intermittent leave, neither of which improved her situation, and reasonably inferred that the human resources department was unable to offer any further assistance in the matter. Requesting that her protected leave be changed to continuous leave would likely not have resolved the issue, as claimant would have returned to the same work environment at the conclusion of the leave. Applying for other transfer positions would likely also have appeared futile to claimant, given the district attorney's intervention in the application process regarding the transfer position for which she interviewed. Claimant also reached out to NCVLI and a contact working in victim advocacy at the Oregon Department of Justice, who were unable to offer her assistance. Under these circumstances, claimant exhausted all reasonable alternatives to leaving, and therefore quit work 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. Accordingly, EAB Decision 2026-EAB-0161 is followed on reconsideration.

**DECISION:** EAB Decision 2026-EAB-0161 is reconsidered on EAB's own motion, and followed on reconsideration.

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

**DATE of Service:** April 28, 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 الإستئناف 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**  
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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.

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