

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0176

Affirmed
Disqualification

PROCEDURAL HISTORY: On November 4, 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 # L0013924784).¹ Claimant filed a timely request for hearing. On February 2, 2026, ALJ Micheletti conducted a hearing, and on February 10, 2026, issued Order No. 26-UI-319937, affirming decision # L0013924784. On February 23, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: At hearing, the ALJ admitted into the hearing record as an exhibit a five-page document constituting a timeline prepared by claimant, which the employer did not object to. *See* Transcript at 58-59. However, the ALJ failed to mark the exhibit. As a clerical matter, EAB identified the exhibit based on the ALJ's description of it, and marked it in the hearing record as Exhibit 1.

Additionally, on January 27, 2026, claimant emailed a packet of documents intended to be offered into the hearing record, which the Office of Administrative Hearings (OAH) received that day. Claimant represented in the email that she had served copies of the documents on the employer electronically. At hearing, the ALJ did not address claimant's documents received by OAH on January 27, 2026. The January 27, 2026 documents are 11 pages total, including the email cover page, claimant's resignation

¹ Decision # L0013924784 stated that claimant was denied benefits from August 24, 2025 to September 5, 2026. However, decision # L0013924784 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.

letter, the employer's letter acknowledging same, and other documents that relate to various aspects of the evidence developed at hearing.

A review of the January 27, 2026 documents shows that they contain relevant and material information and that claimant represented that copies of the documents had been served on the employer electronically. As such, EAB is receiving those documents into evidence as necessary to complete the record pursuant to OAR 471-041-0090(1)(a).

The additional evidence is being marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because they did not state that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

FINDINGS OF FACT: (1) Dufur School District 29C Wasco County employed claimant as an educational assistant from October 2022 until August 27, 2025.

(2) Claimant had generalized anxiety disorder, first diagnosed in 2019. Claimant was prescribed medications to treat the symptoms of the condition. Over the course of her employment, claimant's experiences working for the employer worsened her anxiety. Due in part to these experiences, claimant's medical provider increased the dosage of her medications three times during the period of 2022 through August 2025. During her employment, claimant had several anxiety attacks, which she attributed to experiences in the workplace. Though the employer's superintendent was aware of claimant taking some sick time to attend mental health appointments, claimant never specifically made the employer aware of her anxiety diagnosis and did not request any accommodation based on the condition.

(3) Over the course of her employment, claimant had a general sense that colleagues and supervisors subjected her to "mental neglect" and that the culture of the workplace was toxic. Transcript at 23. In late 2023, claimant's then seven-year-old son, who attended school at claimant's workplace, wrote in a class journal about a drunk driving incident involving claimant's boyfriend at the time, which led school authorities to interview the child. During the interview, the child gave a false or embellished account that he had been subjected to physical abuse by claimant and claimant's mother. Claimant's mother worked as a receptionist for the employer. Based on the false or embellished account, school authorities made a child protective services report, and claimant and her mother were interviewed on short notice. Child protective services concluded that the complaint was unfounded and closed the case. Afterward, claimant continued working for the employer, but felt that the employer was not transparent about what protocols they followed in reporting her son's account to child protective services.

(4) In the 2024-2025 school year, claimant was on medical leave for the early portion of the school year recovering from shoulder surgery. Otherwise, throughout that school year, claimant was assigned to work primarily with a special needs student who had difficulties with incontinence. Though this student did not have significant behavioral issues, claimant found it was a challenge to work with the student

because of their special needs. However, over the course of the year, with claimant's assistance, the student made progress in using the restroom appropriately.

(5) On August 25, 2025, as the 2025-2026 school year was soon to begin, claimant reported to work for an in-service day. On that day, claimant reviewed the schedule and saw that she was assigned to work with the student who had had incontinence difficulties from the previous school year.

(6) Educational assistants are assigned students based on student need. Assignments are subject to change, particularly in August and September, as the school district receives updated enrollment information.

(7) On August 26, 2025, claimant reported to work for another in-service day and had a meeting with the employer's special education team. In the meeting, claimant learned that she would still work with the student from the previous year, in that she would meet with the student and take them to class, but that she would also be assigned to three students with behavioral difficulties. The three students were prone to using foul language, running, hitting, and spitting. The employer changed claimant's assignments to include the three students to meet the employer's needs due to an influx of students.

(8) Claimant was unhappy with her assignment to the students with behavioral problems. Claimant did not complain about the assignment to the special education team in the meeting, ask for additional training, or inform them of the impact she felt the assignment would have on her anxiety condition. After the meeting, the prospect of this assignment caused claimant to have an anxiety attack. Claimant went to her mother, who was working at the reception desk, and stated she "couldn't do it any longer[.]" Transcript at 45. Claimant requested to schedule a meeting with the principal for the next day, without stating the meeting's purpose. The principal agreed, and a meeting was scheduled for August 27, 2025, in the afternoon. Claimant then left the workplace and spent that evening considering what to do next.

(9) On August 27, 2025, in the morning, claimant drafted, printed, and signed a resignation letter. That afternoon, claimant arrived for the meeting with the principal with the resignation letter in her possession. As the meeting began, claimant had an anxiety attack and handed the principal her resignation letter. In response, the principal asked, "[I]s there anything else we can do for you?" Transcript at 31. Claimant "said nothing and walked out." Transcript at 57. The meeting lasted five minutes. Claimant did not work for the employer thereafter. The employer's superintendent gave claimant a letter dated August 27, 2025 accepting her resignation.

(10) Claimant believed she could have worked appropriately with the students with behavioral issues if she was provided proper training and received more information on each student and about what triggered their behavioral issues. The employer offered in-depth training to educational assistants once per month, and if claimant had requested additional training to assist in working with the students with behavioral issues, the employer would have provided the training. Claimant never asked the employer for additional training to assist her in working with the students with behavioral issues.

CONCLUSIONS AND REASONS: Claimant voluntarily left work without 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 generalized anxiety disorder, a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h). A claimant with an impairment who quits work must show that a reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would not have continued to work for their employer for an additional period of time.

The record shows that claimant voluntarily left work due to the prospect of working with the students with behavioral issues and the impact she believed it would have on her anxiety condition. Claimant testified that the “final incident” that led to her decision to quit was learning on August 26, 2025 that she had been assigned work with the students. Transcript at 15-16. Further, on August 26, 2025, after the meeting with the special education team, while in the midst of a panic attack, claimant told her mother that she “couldn’t do it any longer[.]” Transcript at 45.

Claimant’s concerns and their impact on her health constituted a grave situation. Claimant had generalized anxiety disorder; had experienced several anxiety attacks during the period of her employment; had increased dosages of her medications over time to address the symptoms of the condition; and had an anxiety attack upon learning of the assignment to the students with behavioral issues. This evidence is sufficient to conclude that a reasonable and prudent person with the characteristics and qualities of a person with an impairment such as claimant’s would have considered their circumstances to be grave.

Nevertheless, claimant voluntarily left work without good cause because she failed to pursue reasonable alternatives prior to leaving work. Specifically, claimant could have requested additional training to assist her in working with the students with behavioral issues, which the employer would have granted, and which would have allayed concerns about working with the students and likely reduced her anxiety. At hearing, claimant testified that she believed she could have worked appropriately with the students with behavioral issues if she was provided proper training. Transcript at 60. Claimant testified that the desired training would have involved getting more information about each student and what triggered their behavioral issues. Transcript at 19. Given that claimant had worked with a special needs student with incontinence difficulties during the previous school year and assisted that student in making significant progress, the evidence supports that with such training, claimant could have worked with the students with behavioral difficulties appropriately.

The record further shows that such training would have been made available to claimant had she asked for it. The employer’s witnesses testified that the employer offered in-depth training to educational assistants once per month. Transcript at 54, 62. The superintendent testified that if claimant had requested additional training to assist in working with the students with behavioral issues, the employer would have provided the training. Transcript at 62.

Claimant never asked for such training. Instead, claimant arrived at the August 27, 2025 meeting prepared to deliver the resignation letter to the principal, and then, while experiencing an anxiety attack, simply handed the letter to the principal. The principal asked if there was “anything else we can do for

you?”, giving claimant an opportunity to potentially rescind her resignation letter and ask for additional training, but claimant left the meeting without doing so. Transcript at 31, 57. Though claimant explained at hearing that she hoped that the handing of the resignation letter would cause the principal to begin a dialogue as to what claimant’s options might be, a reasonable and prudent person with claimant’s condition would request additional training and pursue all other such reasonable alternatives to quitting before tendering their resignation letter. Transcript at 49-50. While claimant experienced an anxiety attack in that moment, it remained within her control to refrain from handing the resignation letter to the principal and instead, if necessary, ask to reschedule the meeting or perhaps use email or other electronic means of communication to request additional training.

Relatedly, claimant failed to pursue the reasonable alternative of disclosing her anxiety diagnosis to the employer and requesting as an accommodation reassignment to work that did not involve the three students with behavioral issues. Though the superintendent was aware of claimant using some sick time for mental health appointments, claimant never specifically put the employer on notice that she had been diagnosed with generalized anxiety disorder, nor did claimant ever request any reasonable accommodations based on the diagnosis. Disclosing her diagnosis and requesting an accommodation to an alternate work assignment would, if granted, likely have resolved claimant’s concerns and their impact on her mental health. A reasonable and prudent person with the characteristics and qualities of a person with an impairment such as claimant’s would have pursued this option before quitting work. Accordingly, claimant did not avail herself of reasonable alternatives to quitting work when she did, and therefore quit without good cause.

For these reasons, claimant voluntarily left work without good cause and therefore is disqualified from receiving unemployment insurance benefits effective August 24, 2025.

DECISION: Order No. 26-UI-319937 is affirmed.

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

DATE of Service: April 9, 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.

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 Email: appealsboard@employ.oregon.gov
 Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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