

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0308

Reversed & Remanded

PROCEDURAL HISTORY: On February 5, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause and was disqualified from receiving benefits from January 4, 2026 to January 2, 2027 (decision # L0015885501). Claimant filed a timely request for hearing. On March 12, 2026, ALJ Franco conducted a hearing,¹ and on March 24, 2026 issued Order No. 26-UI-324881, modifying decision # L0015885501 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective July 27, 2025. On March 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted written arguments on March 30, 2026 and April 8, 2026. EAB did not consider the March 30, 2026 written argument because claimant did not state that she provided a copy of the argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

Claimant's April 8, 2026 argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. 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 the parts of claimant's April 8, 2026 argument that were based on the hearing record.

The parties may offer new information into evidence at the remand hearing, including any documentary evidence they may wish to have admitted into the hearing record. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

¹ The employer appeared at the hearing via a representative who cross-examined claimant. However, no witness testified on behalf of the employer.

FINDINGS OF FACT: (1) St. Charles Health System, Inc. employed claimant as an executive assistant from January 2024 until August 1, 2025.

(2) Claimant began working for the employer as an executive assistant in their legal department. Claimant supported employees in that department and reported to a manager of administration. Shortly after claimant's onboarding, the manager of administration went on leave and ultimately quit. Claimant was then assigned to report to an interim manager. The interim manager was often busy and claimant met with her only a couple of times.

(3) At some point prior to spring 2025, the employer assigned claimant to support an executive in their information technology (IT) department, which was going through a reorganization. At the time of claimant's assignment, the executive was a new employee who had worked for the employer for a few months.

(4) In the spring of 2025, on a Friday afternoon, the employer's vice president of human resources (HR) called claimant and told her she would be receiving a call from an attorney. On that day or soon thereafter, claimant had a phone interview with an attorney for the employer. The attorney asked claimant about certain "financial charges and travel arrangements" relating to the executive she supported. Audio Record at 11:06. Claimant had made some of these charges on the executive's behalf, while some of the charges were made by the executive directly. At some point later in her employment, an attorney interviewed claimant a second time about the executive's charges. In these interviews, the attorneys told claimant that the investigation was confidential and claimant was "not allowed to talk to anybody." Audio Record at 16:21.

(5) Claimant felt that she lacked proper training or guidance from the employer as to what charges to make on behalf of the executive, and that, in making the charges, she was simply following the executive's orders.

(6) Around the time of claimant's first interview with an attorney for the employer, the employer assigned a new manager of administration to supervise claimant. Claimant felt that this manager failed to acknowledge that claimant had lacked training and "just immediately kind of started criticizing" and "micromanaging" claimant's work. Audio Record at 13:43.

(7) Because of the attorney interviews, claimant grew concerned about her "professional standing and being blamed for" the executive's charges and travel arrangements. Audio Record at 12:07. Because of the interviews, the criticism about her work from her manager, or both, claimant developed a "fear of being fired." Audio Record at 20:12. Claimant started experiencing panic attacks and difficulty sleeping at some point during her employment, which may have been a result of the investigation into the executive, the manager's criticism, claimant's fear of being discharged, or all three. On or about late June 2025, claimant decided that she would quit working for the employer.

(8) In late June 2025, claimant had a conversation with her manager and mentioned that she desired to resign effective July 17, 2025. The manager asked if claimant would continue working an additional two weeks and resign effective August 1, 2025, and claimant agreed to do so. Following this conversation, claimant gave notice by email of her intent to resign effective August 1, 2025. In the email, claimant stated that her reason for quitting was that she was "moving for personal reasons." Audio Record at

8:44. On August 1, 2025, claimant resigned as planned. A few months after her resignation, in October 2025, claimant moved.

(9) Prior to resigning her employment, claimant did not contact the employer's HR department to raise any concerns or ask for assistance. At hire, claimant received an employee manual, but felt she was not made aware of a process for contacting the employer's HR department with questions or concerns. At some point during her employment, "outside consultants" were "brought on as an HR," and claimant felt she received conflicting information during meetings with the consultants. Audio Record at 12:48. Claimant did not know she had been specifically assigned an HR representative until she resigned. Claimant applied for another role with the employer before she resigned.

CONCLUSIONS AND REASONS: Order No. 26-UI-324881 is set aside, and this matter remanded for further proceedings consistent with this order.

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).

The order under review concluded that claimant quit work without good cause. Order No. 26-UI-324881 at 4. The order concluded that, although claimant's circumstances were grave, she had failed to pursue reasonable alternatives before leaving work. Order No. 26-UI-324881 at 3-4. The record as developed does not support these conclusions.

On remand, the ALJ should first develop the record as to the timing of events. The ALJ should inquire when in the spring of 2025 the employer's vice president of human resources called claimant, as well as when the two attorney interviews occurred, how long they lasted, whether they were both by phone, and when the investigation of the executive was completed. The ALJ should ask when the new manager who was critical of claimant's work was assigned to supervise claimant, when the meetings with the HR consultants occurred, when claimant experienced panic attacks and difficulty sleeping, and when precisely she sent her resignation notice email.

Next, the ALJ should clarify the reason or reasons claimant quit working for the employer. At hearing, claimant suggested that she quit because she was concerned about her "professional standing and being blamed for" the executive's charges. Audio Record at 12:07. Claimant also testified that she was "in fear of being fired and that is why [she] ultimately decided to resign." Audio Record at 20:12. However, claimant also testified that the employer assigned a manager to supervise her that was critical of her work and that around the time that she resigned, she was "ready to get out" because she had been having panic attacks and difficulty sleeping. Audio Record at 13:48, 14:40.

In light of the foregoing, the ALJ should inquire whether claimant quit because she was concerned she would be discharged, because of criticism from her manager, because of panic attacks and sleep

difficulties, or some combination of these reasons.² The ALJ should inquire what precisely raised concerns in claimant’s mind that she would be discharged, such as whether that was due to the investigation of the executive or her work performance. The ALJ should ask claimant to explain why she chose to quit when she did and how, if at all, her circumstances at that time were of such gravity that she had no reasonable alternative but to quit. To this end, given that claimant originally intended to leave work on July 17, 2025 but agreed to continue working an additional two weeks until August 1, 2025, the ALJ should ask claimant to elaborate on why she originally chose July 17, 2025 as her resignation date, why her manager desired for her to work an additional two weeks, why claimant agreed to do so, and if claimant was presented with grave circumstances as of July 17, 2025, how she was able to continue working until August 1, 2025.

From there, to the extent claimant quit because the attorney interviews raised concerns about her professional standing or caused claimant to suspect that she would be discharged, the ALJ should ask claimant whether the attorney told claimant that she was a subject of the investigation or was suspected of any wrongdoing, whether the attorney or any agent of the employer told claimant that she would be held accountable for any improper charges she had made for the executive, and whether claimant was informed of or asked about the status of the investigation at any point before her resignation. The ALJ should ask about the nature and details of the executive’s charges that claimant was specifically concerned might implicate her in wrongdoing, and why she thought that the case. The ALJ should inquire whether claimant’s new manager, the attorney, or anyone else told claimant that she was at risk of being discharged and, if so, on what basis. The ALJ should further inquire, if claimant felt that she had lacked proper training and guidance and was simply following the executive’s orders, why she believed that wrongdoing on the executive’s part would put her at risk of discharge. The ALJ should also ask whether claimant believed that being discharged by the employer would harm her future job prospects, if so, what that belief was based upon, and whether and, if so, why, those future job prospects would be more appreciably harmed by being discharged than by quitting work.

To the extent claimant quit because she was concerned she would be discharged based on the quality of her work given the criticism and micromanagement of the manager, the ALJ should inquire whether claimant was ever cautioned about her work performance, placed on an improvement plan, or warned that her job was in jeopardy because of her performance or a perceived violation of an employer expectation. If the record on remand shows that the criticism and micromanagement of the manager factored into claimant’s decision to quit, the ALJ should inquire into the nature and frequency of the criticism and whether it was ever delivered in an abusive or threatening manner.

To the extent claimant quit because of the panic attacks and sleep difficulties, the ALJ should ask questions to determine the source and severity of the conditions, such as whether they were linked to workplace stressors or some other cause, how often claimant had the panic attacks, how long they lasted, and to what extent her sleep was impaired. If claimant attributed the conditions to workplace stressors, the ALJ should inquire whether that stress arose from her concern that she would be discharged, the manager’s criticism, both, or some other reason.

² Further, claimant stated in her resignation email that her reason for quitting was that she was “moving for personal reasons” and then, in fact, did move a few months after the work separation, in October 2025. Audio Record at 8:44. It is worthwhile on remand to inquire of claimant why she stated in the email that she was quitting because she was moving for personal reasons if that was not the true reason for her resignation (such as, why did claimant simply not give any reason at all in the email), and well as where she moved to, and why she moved there.

Finally, the ALJ should develop the record as to the existence of any reasonable alternatives to quitting work. To this end, the ALJ should inquire whether claimant checked her employee manual for HR contact information, or looked online or at workplace postings, perhaps in a break room, for such information. The ALJ should further inquire of claimant why, even if she was bound by confidentiality about the investigation and did not know she had a specific HR representative, she did not clarify with the vice president of HR who called her, or the attorney who interviewed her, whether she faced discharge for the executive's charges and if there were any remedial measures she could take to avoid being discharged. To the extent criticism from the manager factored into her reasons for quitting, the ALJ should inquire of claimant why she could not have asked for help or additional training from the manager regarding her performance, since such requests were presumably not covered by the confidentiality requirement. To the extent claimant's panic attacks and sleep difficulties factored into her reasons for quitting, the ALJ should inquire whether claimant ever sought medical treatment to address the conditions, put the employer on notice that workplace stressors were causing the conditions (if workplace stressors were the cause), or ever pursued taking a leave of absence to address the conditions. The ALJ should also inquire about the timing and nature of the application claimant made for a different role with the employer, and what the outcome of that application was.

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant quit work without good cause, Order No. 26-UI-324881 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-324881 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: May 14, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-324881 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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 ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

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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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