

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0310

Reversed
No Disqualification

PROCEDURAL HISTORY: On February 11, 2026, 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 December 28, 2025 (decision # L0016201863). Claimant filed a timely request for hearing. On April 17, 2026, ALJ Murray conducted a hearing at which the employer failed to appear, and issued Order No. 26-UI-327542, affirming decision # L0016201863. On April 23, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of documents claimant mailed to the Office of Administrative Hearings (OAH) prior to the hearing, but which were received after the hearing and therefore not admitted as evidence. The documents have been marked as EAB Exhibit 1, and provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibit will remain in the record.

WRITTEN ARGUMENT: EAB considered claimant's written argument in reaching this decision.

FINDINGS OF FACT: (1) CoOp Shared Services, LLC employed claimant as a freight stocker at one of their retail stores from February 2024 through January 3, 2026.

(2) In approximately 2016, claimant was diagnosed with post-traumatic stress disorder (PTSD). Claimant did not receive treatment for this condition during her employment.

(3) For most of the time claimant worked for the employer, she had difficulty with a coworker, "R." Claimant believed that R "sabotage[d]" her work by not keeping her informed of important matters, and by intentionally delaying certain duties he was required to perform which would in turn prevent claimant

and her team from timely completing their work. Audio Record at 17:49. R also displayed various items and images in and around his work computer that claimant perceived as projecting political or social viewpoints with which claimant disagreed or took offense. Claimant felt R's behavior toward her was "[e]xtremely childish. . . and aggressive." EAB Exhibit 1 at 5. For example, when R would walk through a hallway with claimant approaching from the opposite direction, he would intentionally walk directly toward claimant so that she would move out of his way. Claimant frequently had to take time in her car immediately after her shift to "regulate [her] nerve system" due to being upset by R's displays and actions. Audio Record at 15:29.

(4) Claimant made several complaints to the store and regional managers about R's displays and conduct. The store where claimant worked did not have a human resources (HR) representative, but the store manager assured claimant that her complaints had been passed along to a specific HR representative at the regional level, and claimant therefore did not address her complaints directly to HR. These complaints yielded at least one sit-down meeting between claimant and both managers where she was asked to provide further details, but did not result in R being disciplined. Claimant believed that at times R's conduct would briefly improve following a complaint, but she saw no long-lasting changes. Claimant adjusted her schedule to avoid working with R as much as possible, but still generally had to work with him two days per week.

(5) In early November 2025, the employer told claimant that her work hours would be reduced from 40 to between 20 and 25 per week beginning in January 2026, and that this would result in loss of eligibility for health care coverage. Claimant lived approximately five minutes from the store where she worked.

(6) On approximately December 13, 2025, claimant gave notice of her resignation, effective January 3, 2026. In making the decision to resign, claimant weighed whether the compensation she would receive from part-time work was "worth" enduring the issues with the work environment attributable to R and their impact on her health. Audio Record at 11:39. The final incident involving R that led claimant to resign was the display of a sweatshirt at his workstation with a graphic of an American flag and guns, which R told a coworker was intended to antagonize claimant for having complained about previous flag-related displays.

(7) On January 3, 2026, claimant quit working for the employer as planned.

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 PTSD, 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.

A claimant who leaves work due to a reduction in hours “has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received.” OAR 471-030-0038(5)(e).

Claimant quit work due to a reduction in work hours, and the effect of R’s displays and conduct on her mental health. To the extent claimant quit work due to the reduction in work hours, she had a negligible work commute and did not assert at hearing that the cost of continuing to work part time would have exceeded her remuneration, or that working 20 to 25 hours per week would have substantially interfered with a return to full-time work. Therefore, under OAR 471-030-0038(5)(e), this reason for leaving work did not constitute good cause.

Regarding the effect of R’s displays and conduct, the order under review concluded that claimant faced a grave situation due to the impact on her mental health, but that she had reasonable alternatives to leaving work of complaining directly to HR, seeking mental health treatment, or seeking further separation from R through the store manager. Order No. 26-UI-327542 at 3. The record supports that claimant faced a grave situation, but does not support that she had reasonable alternatives to leaving work.

Claimant perceived images and other items displayed at R’s workstation as expressing viewpoints on political and social issues with which she disagreed or took offense. At least one of these images, of an American flag with guns, was displayed with the specific intent of upsetting claimant in retaliation for her complaints about previous displays. This incident was part of a pattern of bullying behavior directed at claimant, which included R refusing to communicate with her and intentionally delaying some work processes in order to impede claimant’s completion of her work, and R repeatedly walking toward claimant as if to collide with her if she did not move out of his way. This work environment exacerbated claimant’s PTSD symptoms to the point that she needed to take time in her car after each shift to “regulate [her] nerve system” before returning home. Audio Record at 15:29. Under these circumstances, a reasonable and prudent person with the qualities and characteristics of someone with an impairment such as claimant’s would leave work. Claimant therefore faced a grave situation.

The order under review asserted that as alternatives to leaving work, claimant could have complained directly to HR, sought mental health treatment, or requested that the store manager further separate her from R. Regarding the direct involvement of HR, claimant testified that the store manager had repeatedly assured her that her complaints had been relayed to the regional HR representative, and that to the best of claimant’s knowledge, the representative had received the complaints and not taken any action to discipline R or curtail his displays or behavior. Audio Record at 15:07; 25:40. Therefore, direct communication between claimant and the HR representative likely would not have achieved a different result. Regarding seeking mental health treatment, while doing so may have alleviated some symptoms caused by the work environment, it would not have done anything to curtail R’s bullying behavior at work, and therefore would not have resolved the grave situation claimant faced. Regarding seeking further separation from R through the store manager, claimant asserted that her schedule had been modified to limit overlap with R to two days per week, and that “almost two years” of consistent complaints about R to the store and regional managers had been ineffective, demonstrating that further efforts to address the issue through those managers would likely have been futile. EAB Exhibit 1 at 5-6.

Accordingly, claimant had no reasonable alternative to quitting work when she did, and therefore quit 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.

DECISION: Order No. 26-UI-327542 is set aside, as outlined above.

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

DATE of Service: June 3, 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.



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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