

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0347

Affirmed
Disqualification

PROCEDURAL HISTORY: On March 5, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits from February 15, 2026 to February 13, 2027 (decision # L0016326817). Claimant filed a timely request for hearing. On April 6, 2026, ALJ Wahl conducted a hearing, and on April 7, 2026 issued Order No. 26-UI-326279, modifying decision # L0016326817 by concluding that claimant quit without good cause and was disqualified from receiving benefits effective February 1, 2026. On April 12, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

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) Amerititle Inc. employed claimant as an escrow officer in their Lebanon, Oregon branch from July 6, 2020 until February 6, 2026.

(2) In early 2024, the employer assigned a new manager, SM, to act as escrow manager of claimant and the other employees who worked in the employer's Lebanon branch, along with other branches in the southern Willamette Valley. SM worked in the employer's branch in Salem, Oregon and was a long-time employee of the employer. Claimant found SM to have a domineering personality and considered SM to have subjected her to hostile and intimidating treatment.

(3) For a period before SM took over escrow management of the southern Willamette Valley branches, the employer had their Lebanon branch employees take part in the Employment Department's workshare program, which resulted in claimant and others working fewer than 40 hours per week. Later, but still before SM took over management of the southern Willamette Valley branches, the employer withdrew their Lebanon employees from that program. However, claimant's manager at the time

permitted claimant and others to continue working reduced hours, while using paid time off to cover the difference or simply taking the time unpaid.

(4) In July 2024, after SM took over managing the Lebanon branch, she inquired about the practice of working reduced hours at the branch, including with members of the employer's human resources (HR) department. The inquiries ultimately resulted in claimant and other Lebanon branch employees being reclassified as semi-full-time by the HR department, which reduced the rate at which they accrued paid time off. The HR department did not consult claimant before changing her classification because they understood it to be SM's responsibility to communicate that to claimant. Claimant developed a mistrust of the employer's HR department because of this experience.

(5) In September 2024, in the midst of SM's inquiries that ultimately led to the job reclassifications of the Lebanon branch employees, claimant had a conversation with SM's supervisor at a seminar. In the conversation, SM's supervisor stated that he thought it was "great" that employees in the Lebanon branch worked reduced schedules, but to not let SM know he had said so because SM did not like the practice. Transcript at 12. This experience led claimant to believe that SM's supervisor was intimidated by SM, and to lose trust in him.

(6) In August 2025, an employee at the employer's branch in Lane County, Oregon and who also was managed by SM, went to SM's supervisor to complain about an incident involving SM. SM's supervisor relayed the complaint to SM, and shortly thereafter SM called various employees she managed, including claimant, to inform them of the complaint. The fact that SM's supervisor had shared the Lane County employee's complaint with SM made claimant concerned that any complaint she might make to SM's supervisor about SM would not be kept confidential.

(7) In November or December 2025, another employee resigned, and cited specific concerns about SM in their resignation letter. In response, the employer's HR department opened an investigation into SM. Claimant was not aware of this investigation.

(8) On January 8, 2026, claimant and a colleague in the Lebanon branch met with SM by phone. The meeting involved a discussion of transferring an employee from the Lebanon branch to the employer's branch in Albany, Oregon. In the meeting, claimant asked if the employer could lay off a particular employee at the Albany branch. The question upset SM, who "snapped back" that "it was not that easy to do that." Transcript at 8. The meeting continued for a time and then ended, with claimant believing the three had arrived at a good solution.

(9) On January 9, 2026, SM called claimant regarding the previous day's meeting. Over the phone, SM addressed claimant using a harsh tone, stated that she felt "bull[ied]" or "badgered" by claimant based on the meeting the day before, and told claimant that she was "just so fucking pissed off." Transcript at 6-7.

(10) On January 12, 2026, claimant gave the employer a letter stating her intent to resign effective February 6, 2026. Claimant decided to resign because she believed SM had subjected her to a pattern of hostile and intimidating behavior over the course of her employment, with SM's treatment of claimant during the January 9, 2026 phone call being the latest in time. However, claimant did not point out specific concerns about SM's behavior in the resignation letter.

(11) Later on January 12, 2026, SM's supervisor called claimant, expressed surprise at claimant's resignation notice, and asked her to reconsider. Claimant stated that she stood by her resignation and mentioned during the call that she did not think that SM should be in a management role. SM's supervisor stated that he would look into the matter and call claimant back on January 14, 2026. On January 14, 2026, SM's supervisor called claimant back and stated that he was still looking into things. Claimant did not hear from SM's supervisor again.

(12) The employer's HR department learned from SM's supervisor that he had asked claimant to reconsider her resignation, but she had declined to do so. Because claimant "had declined to retain employment" and did not point out specific concerns about SM's behavior in her resignation letter, the HR department took no action regarding claimant's planned resignation. Transcript at 23. If claimant had raised specific concerns about SM with the HR department, they would have investigated claimant's concerns and likely combined it with the investigation of SM that they had opened in November or December 2025.

(13) On January 22, 2026, the employer assigned a new county manager to manage the Lebanon branch. The county manager position was distinct from the escrow manager position held by SM. That day, claimant asked the new county manager how his appointment affected SM's role. The county manager said that he did not know at that time.

(14) On February 1, 2026, pursuant to the HR department's investigation, SM was removed from her role as escrow manager of the Lebanon branch. The HR department believed that SM's removal would be communicated to the Lebanon branch employees by the new county manager. However, the new county manager did not convey to claimant that SM was no longer the escrow manager of the Lebanon branch.

(15) On February 6, 2026, claimant resigned, as planned. Prior to leaving work, claimant never specifically raised concerns to the HR department about SM's behavior. Claimant did not do so because she did not trust the HR department due to them having previously reclassified her job as semi-full-time. Also, claimant thought that mentioning to SM's supervisor on January 12, 2026 that she did not think that SM should be in a management role was sufficient to prompt the HR department to take action against SM.

(16) Apart from SM's treatment of claimant during the January 9, 2026 phone call, some of SM's other behaviors that claimant regarded as hostile and intimidating were as follows: that SM told employees to go directly to her with questions, rather than to use certain office resources; when doing audits of employee files, SM at times stated that if her findings were inaccurate, it did not matter; that shortly after an occasion when numerous employees contacted SM during the early morning to call out because of inclement weather, SM advised that, going forward, employees were not to contact her before 8:00 a.m.; and that SM tended to call employees and speak to them in an intimidating tone over the phone, rather than communicate by email.

CONCLUSIONS AND REASONS: Claimant quit 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 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 voluntarily left work without good cause. Claimant quit working for the employer because she believed SM had subjected her to a pattern of hostile and intimidating behavior over the course of her employment, with SM’s treatment of claimant during the January 9, 2026 phone call being the latest in time. Whether the January 9, 2026 phone call is considered alone or in combination with other aspects of SM’s behavior, claimant did not meet her burden to prove that SM’s treatment of her presented her with a situation of gravity.

First, SM’s behavior during the January 9, 2026 call was rude and unprofessional. However, SM’s treatment of claimant in the call did not present claimant with a situation of such gravity that claimant had no reasonable alternative but to leave work. SM used the foul language to emphasize a point or express her state of mind, rather than to direct it at claimant as an insult, threat, or act of name-calling. Further, besides one additional stray reference in claimant’s testimony,¹ the record fails to show that SM directed foul language at claimant on any other occasion. Also, though SM spoke in a harsh tone during the call, the potential for SM’s tone to intimidate was reduced to a degree given that the conversation took place by phone, without SM being physically present.

Moreover, the record also fails to show that claimant faced a grave situation when SM’s behavior during the January 9, 2026 call is considered in combination with other aspects of SM’s treatment of claimant. While SM may have “snapped” at claimant during the January 8, 2026 call, SM did not threaten, name-call, or use abusive language on that occasion and appeared to have otherwise led the conversation with professionalism, as claimant believed that the three had arrived at a good solution when the call ended. As to SM’s inquiries about the practice of working reduced hours at the Lebanon branch, the record suggests that SM was simply looking into an unusual holdover practice from before her tenure. That those inquiries culminated in claimant and others having their jobs reclassified to semi-full-time was not improper, as, at hearing, the employer’s witness testified that, “for compliance reasons” under federal law, the employer was “forced to drop them to a semi-full-time status[.]” Transcript at 26.

Likewise, claimant did not establish that she faced a situation of such gravity that she had no reasonable alternative but to leave work based on SM insisting that questions be directed to her rather than for employees to use office resources, or SM’s comment that it did not matter if her findings were inaccurate when auditing employee files. Claimant did not show how she may have been harmed by these aspects of SM’s behavior. It also is not evident how claimant might have faced a grave situation based on SM’s direction that she not be contacted with employee call outs until 8:00 a.m. or SM’s tendency to call employees and communicate over the phone, rather than to communicate by email.

In any event, even if SM’s treatment of claimant placed claimant in a situation of gravity, claimant failed to pursue the reasonable alternative of requesting that the employer’s HR department investigate

¹ Claimant testified that when SM received employee call outs before 8:00 a.m. due to inclement weather, she had stated that the early morning call outs “pissed her husband off.” Transcript at 18.

SM and remove her from a management role over the Lebanon branch. The record shows that if claimant had raised specific concerns about SM with the HR department, they would have investigated claimant's concerns and likely combined it with the investigation of SM that they had opened in November or December 2025, when a different employee had resigned and cited specific concerns about SM. This ultimately would have resulted in the employer removing SM from management of the Lebanon branch, as the record shows that the employer did exactly that pursuant to the investigation of SM that was launched when the other employee resigned.

Claimant did not raise specific concerns regarding SM with the HR department because she did not trust the HR department due to them having previously reclassified her job as semi-full-time. This was not a reasonable basis for claimant to have failed to contact the HR department. As discussed above, the record does not show that it was improper for the HR department to have reclassified the jobs of the Lebanon branch employees.

Claimant also did not raise specific concerns regarding SM with the HR department because claimant thought that mentioning to SM's supervisor on January 12, 2026 that she did not think that SM should be in a management role was sufficient to prompt the HR department to take action against SM. Claimant may have had good reason to doubt that SM's supervisor would take action against SM, given the occasion in September 2024 when he appeared intimidated by SM, and the occasion in August 2025 when he did not keep the Lane County branch employee's complaint about SM confidential. Moreover, claimant did raise the idea of removing SM from a management role in her January 12, 2026 meeting with SM's supervisor. Nevertheless, the record shows that the employer's HR department was distinct from SM's supervisor. It therefore was not reasonable for claimant to conclude that the HR department would not take action against SM based on the conduct of SM's supervisor. It was incumbent upon claimant to exhaust the reasonable alternative of notifying the employer's HR department of her concerns regarding SM before she left work.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective February 1, 2026.

DECISION: Order No. 26-UI-326279 is affirmed.

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

DATE of Service: May 22, 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

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់អ្នកទេ វាគឺជាភារកិច្ចរបស់អ្នកដទៃទៀត។ បើសិនជាអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

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 دستورالعمل 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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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.