

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0583

Affirmed
Eligible Week 09-26
Disqualification Effective Week 10-26

PROCEDURAL HISTORY: On May 5, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged by the employer, but not for misconduct, within 15 days of a planned voluntary leaving without good cause, and was therefore eligible for benefits for the week of March 1 through 7, 2026 (week 09-26), but disqualified from receiving benefits effective March 8, 2026 (decision # L0017311586). Claimant filed a timely request for hearing. On May 27, 2026, ALJ Murdock conducted a hearing, and on May 29, 2026 issued Order No. 26-UI-331556, affirming decision # L0017311586. On June 8, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that she provided a copy of her argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also 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 as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2). EAB considered the employer's argument in reaching this decision.

FINDINGS OF FACT: (1) Clatsop Community Action employed claimant from April 2022 through March 2, 2026. Claimant worked as a property manager for approximately the first three years of her employment, and a deputy director for the final year.

- (2) During claimant's time as a property manager, she had a good working relationship with the employer's director, who was her direct supervisor, and the director was satisfied with claimant's work. That relationship deteriorated during claimant's time as deputy director.
- (3) On Friday, February 27, 2026, claimant and the director attended a meeting with other staff. Claimant had been experiencing frustration with the director's communication and leadership style, and requested to meet with the director privately following that meeting.
- (4) During the private meeting, claimant expressed her frustration with the director's leadership style and concern that it "didn't seem like [they] were on the same page." Audio Record at 11:30. The director shared claimant's view on the latter point, agreeing that they "do not work well together," and believed that claimant was "not a good fit for the deputy director position." Audio Record at 11:37, 26:03. The director told claimant that they were not equals, that claimant was not going to be a part of every decision, and that the director would not be leaving her position. Therefore, claimant was told that if she wanted to continue her employment, she would have to return to a property management position. Claimant was given until Monday, March 2, 2026, to consider whether to agree to this.
- (5) The property management position claimant had previously held was recently filled, and claimant therefore did not know the specifics of what her job would entail if she remained employed by the employer but not in the deputy director position. Claimant believed that regardless of her position going forward, the work environment would be "hostile" due to the recent difficulties in the relationship between her and the director. Audio Record at 12:15. Claimant therefore decided to resign.
- (6) When claimant arrived at work on March 2, 2026, she brought a letter of resignation that stated it would be effective March 13, 2026. The director asked claimant what she was carrying, and claimant told her what it was. The director then presented claimant with a final paycheck that had already been prepared, which included the equivalent of claimant's wages had she worked through March 6, 2026. The director told claimant that she would not be permitted to work any notice period as a matter of policy, and claimant left work shortly after receiving the check. The director prepared the final paycheck in anticipation of claimant resigning and had not intended to discharge claimant if claimant did not quit work that morning.

CONCLUSIONS AND REASONS: Claimant was discharged, but not for misconduct, within 15 days of a planned voluntary leaving without good cause.

Nature of the Work Separation. A work separation occurs when a claimant or employer ends the employer-employee relationship. If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b).

If a claimant notified their employer they would quit work on a specific date, and the quit would have been without good cause, but the employer discharged the claimant, not for misconduct, no more than 15 days before the date of the planned quit, then the separation from work is adjudicated as if the discharge had not occurred and the planned quit had occurred. ORS 657.176(7). However, the claimant

is eligible for benefits for the week in which the actual discharge occurred through the week before the week of the planned quit. ORS 657.176(7).

On March 2, 2026, claimant gave notice of her resignation, effective March 13, 2026. The employer accepted claimant's resignation but did not allow her to work for any additional period of time. Therefore, claimant was willing to work on and after March 2, 2026, but the employer did not allow her to do so. Accordingly, the work separation was a discharge. Because the discharge occurred within 15 days of a planned voluntary leaving, both the discharge and planned voluntary leaving must be analyzed to determine whether ORS 657.176(7) requires a disqualification from benefits.

Planned 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). "[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 gave notice of her resignation in response to a meeting with the director on February 27, 2026. The record shows that both claimant and the director felt that they were not working well together at that time. Claimant faulted the director's communication and leadership style, while the director believed claimant had proven to not be a "good fit" for the deputy director position. Prior to the meeting, claimant had hoped to repair the relationship by making the director aware of her concerns, but the director believed the best path forward was to demote claimant to her former position in property management. The record shows that claimant had been successful in that position for approximately three years, and that she and the director had a good working relationship when claimant was in that role.

Claimant's primary concerns about the demotion were that she believed the employer did not have a vacant property management position for her to fill, so she did not know what the terms of employment following the demotion would be, and that the working relationship with the director would be "hostile" based on recent experience. While either or both of these concerns may eventually have presented claimant with a grave situation, that was not the case when claimant gave notice of her resignation. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not quit work before learning the specifics of what the demotion would entail in terms of job title, responsibilities, and compensation.¹ Furthermore, because the recent discord between claimant and the director appeared to stem from them both being in upper management, and such discord was not present during the three years claimant worked in property management, a reasonable and prudent person would not leave work before determining whether the change back to a property management position improved the relationship. Accordingly, claimant did not face a situation of such gravity that she had no reasonable alternative but to leave work at the time she submitted notice of her resignation, and therefore the planned voluntary leaving was without good cause.

¹ Claimant testified that she asked about these details during the February 27, 2026 private meeting and that the director "didn't have an answer." Audio Record at 15:44. However, it is reasonable to infer that the employer would have provided this information prior to the demotion taking effect, had claimant not given notice of her resignation on March 2, 2026.

Discharge. ORS 657.176(2)(a) requires a disqualification from unemployment insurance benefits if the employer discharged claimant for misconduct connected with work. “As used in ORS 657.176(2)(a) . . . a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest is misconduct.” OAR 471-030-0038(3)(a). “[W]antonly negligent’ means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee.” OAR 471-030-0038(1)(c). In a discharge case, the employer has the burden to establish misconduct by a preponderance of evidence. *Babcock v. Employment Division*, 25 Or App 661, 550 P2d 1233 (1976).

The employer discharged claimant in response to claimant giving notice of her resignation. Claimant was told that the employer did not allow employees in her position to work notice periods as a matter of policy, though claimant testified that she did not believe that explanation as she had witnessed several other employees in similar positions work notice periods after giving notice of their resignation. Audio Record at 18:59. Regardless of whether the employer had such a policy or applied it consistently, the record shows that claimant was not discharged based on having allegedly violated any standard of behavior an employer has the right to expect of an employee. As such, the employer has not shown that claimant was discharged for misconduct.

For these reasons, claimant was discharged, but not for misconduct, within 15 days of a planned voluntary leaving without good cause. Under ORS 657.176(7), claimant is eligible for benefits for the week of March 1 through 7, 2026 (week 09-26), but disqualified from receiving benefits effective March 8, 2026.

DECISION: Order No. 26-UI-331556 is affirmed.

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

DATE of Service: July 23, 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 الاستئناف 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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