

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0602

Affirmed
No Disqualification

Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.¹

PROCEDURAL HISTORY: On May 14, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct connected with work and therefore was disqualified from receiving unemployment insurance benefits effective March 1, 2026 (decision # L0017445859).² Claimant filed a timely request for hearing. On June 3, 2026, ALJ Micheletti conducted a hearing interpreted in Spanish, and on June 11, 2026, issued Order No. 26-UI-332631, reversing decision # L0017445859 by concluding claimant was discharged, but not for misconduct, and claimant therefore was not disqualified from receiving benefits based on the work separation. On June 15, 2026, the employer filed an application for review with the Employment Appeals Board (EAB).

HISTORIA DEL CASO: El 14 de mayo de 2026, el Departamento de Empleo de Oregon (el Departamento) notificó una decisión administrativa concluyendo que la reclamante fue despedida por mala conducta relacionada con el trabajo y, por lo tanto, estaba descalificada para recibir beneficios de desempleo a partir del 1 de marzo de 2026 (decisión # L0017445859). La reclamante presentó una solicitud de audiencia de manera oportuna. El 3 de junio de 2026, el Juez de la Ley Administrativa

¹ This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

² Decision # L0017445859 stated that claimant was denied benefits from March 1, 2026 to March 6, 2027. However, decision # L0017445859 should have said that claimant was disqualified from receiving benefits beginning Sunday, March 1, 2026 and until she earned four times her weekly benefit amount. See ORS 657.176. La decisión # L0017445859 estableció que se le negaron los beneficios a la reclamante desde el 1 de marzo de 2026 hasta el 6 de marzo de 2027. Sin embargo, la decisión # L0017445859 debería haber dicho que la reclamante estaba descalificada para recibir beneficios a partir del domingo 1 de marzo de 2026 y hasta que ganara cuatro veces el monto de su beneficio semanal. Ver ORS 657.176.

Micheletti llevó a cabo una audiencia interpretada en español y, el 11 de junio de 2026, emitió la Orden No. 26-UI-332631, revocando la decisión # L0017445859 al concluir que la reclamante fue despedida, pero no por mala conducta, y por lo tanto no estaba descalificada para recibir beneficios debido a la separación laboral. El 15 de junio de 2026, el empleador presentó una solicitud de revisión ante la Junta de Apelaciones de Empleo (EAB).

FINDINGS OF FACT: (1) Multnomah County School District # 3, also known as the Parkrose School District, employed claimant from August 27, 2024 until March 6, 2026. Claimant initially worked for the employer at Sacramento Elementary School. On September 9, 2025, the employer transferred claimant to work at Shaver Elementary School. Claimant worked as an office assistant and family liaison at both schools.

(2) In the period following claimant's transfer to Shaver Elementary, the employer was displeased with aspects of claimant's performance and believed that she had violated some workplace expectations. On November 3, 2025 and November 25, 2025, the employer gave claimant disciplinary write-ups that listed alleged violations of the employer's expectations. On January 26, 2026, claimant received an additional written reprimand from the employer and a one-day suspension. The written reprimand alleged that claimant had failed to follow student enrollment procedures on some occasions in December 2025 and January 2026, and was defensive and combative when her supervisor, Shaver Elementary's principal, gave her feedback about work performance.

(3) When parents visited Shaver Elementary, the employer required them to check in at the office and log into the employer's visitor system through a computer terminal. The employer expected claimant to ensure that parents logged into the office computer when visiting the school. On three occasions from mid to late February 2026, the principal believed that claimant had failed to require parents to log their visits into the office computer. In fact, however, claimant either had logged in the parents on those dates, or the parents had not logged in because they had entered the school through entrances other than the office where claimant worked.

(4) The employer had a first aid protocol in which they expected office assistants like claimant to perform first aid on students when they presented to the office with obvious signs of injury. In mid-February 2026, the principal believed that claimant had failed to provide required first aid to a student who had injured their head. On that occasion, however, the student had injured their head in physical education class but then did not go immediately to the school nurse, and when they presented to claimant at the office, they had no obvious signs of injury that would require first aid.

(5) The employer expected an office assistant like claimant to accurately document when a student received a dose of prescribed medication. The principal believed that on an occasion in late February 2026, claimant had documented in the office logs that she had given a student a dose of medicine when the student had not been dispensed the medicine on that date because the student went home early that day. The principal further believed that on a date in early March 2026, claimant had dispensed a dose of the medicine to the student but failed to document doing so. However, in fact, claimant had not given the student a dose of the medicine on the late February 2026 date and did dispense the medicine to the student on the early March 2026 date. When claimant dispensed the medicine on the early March 2026 date, she was experiencing problems with her contact lenses and accidentally initialed the ledger, which was in small print, by the late February 2026 date. In so doing, claimant incorrectly documented the

student as having received the dose on the late February 2026 date and failed to accurately indicate that she had in fact dispensed the medicine to the student on the early March 2026 date.

(6) Following the early March 2026 incident in which claimant gave a student a dose of medication but did not document doing so in the office logs because she accidentally noted that the medication had been dispensed to the student on the late February date, the principal recommended to the employer's superintendent that claimant be discharged. On March 6, 2026, the employer discharged claimant, noting in a termination notice that the discharge was based on failure to follow safety protocols relating to administering first aid to the injured student and allowing parents to visit the school without logging in, as well as inaccurately documenting the dispensation of medicine in the office logs. Exhibit 2 at 8.

CONCLUSIONS AND REASONS: Claimant was discharged, but not for misconduct.

CONCLUSIONES Y RAZONES: *La reclamante fue despedida, pero no por mala conducta.*

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) (September 22, 2020). "[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).

At hearing, the employer's witness, the director of human resources, testified that the triggering event or final incident that led to claimant's discharge was comprised of "safety protocols not being followed with medicine and visitors entering the building." Transcript at 9; *see also* Transcript at 6, 10. The witness then testified that the incident that led the principal to recommend discharge to the superintendent was the occasion in early March 2026 when claimant gave a student a dose of medication but did not document doing so in the office logs. Transcript at 33. These correspond to the matters noted in claimant's March 6, 2026 notice of termination regarding the discharge being based on alleged failure to follow safety protocols relating to administering first aid to the injured student and allegedly allowing parents to visit the school without logging in, as well as inaccurately documenting the dispensation of medicine in the office logs. Exhibit 2 at 8. These incidents are therefore viewed collectively as the proximate cause of the discharge. *See e.g. Appeals Board Decision* 12-AB-0434, March 16, 2012 (discharge analysis focuses on proximate cause of the discharge, which is generally the last incident of misconduct before the discharge); *Appeals Board Decision* 09-AB-1767, June 29, 2009 (discharge analysis focuses on proximate cause of discharge, which is the incident without which the discharge would not have occurred when it did).

As to each of the incidents that comprise the proximate cause of the discharge, the employer failed to prove that claimant's conduct constituted a willful or wantonly negligent violation of the employer's

expectations. The employer therefore failed to prove by a preponderance of the evidence that they discharged claimant for misconduct connected with work.

As to inaccurately documenting the dispensation of medicine to the student, the employer's witness, who did not have firsthand knowledge and was reading from the principal's notes, testified that claimant had initialed that she had given a dose of the medicine to the student on a date in late February 2026, when the student had not been dispensed the medicine because the student went home early that day. Transcript at 12. The witness also testified that on a date in early March 2026, claimant had dispensed the medicine to the student but failed to document doing so. Transcript at 12. However, claimant provided an explanation for these logging discrepancies, testifying that she did not dispense the medicine on the late February occasion but did do so on the early March occasion, and that when she went to initial the early March date in the office logs, she accidentally marked the late February date because the ledger was in small print and she was experiencing difficulty reading small print due to a problem with her contact lenses. Thus, although claimant improperly marked the late February 2026 date and failed to mark the early March 2026 date, those discrepancies were attributable to vision difficulties and so were the result, at most, of ordinary negligence on claimant's part. The employer therefore did not prove that claimant's conduct in this regard was a willful or wantonly negligent violation of their expectations.

As to failing to require parents to log their visits in the office computer, the employer's witness, who did not have firsthand knowledge and was reading from the principal's notes, testified that on three occasions in mid to late February 2026, claimant had failed to ensure that parents logged into the office computer when visiting the school. Transcript at 10. In contrast, claimant testified that she was not responsible for failing to log the parents in and suggested that the parents on those occasions entered the school through separate entrances and not via the office. Transcript at 11, 31. As these accounts are no more than equally balanced, the employer failed to prove by a preponderance of the evidence that claimant was responsible for the parents not being logged into the office computer on the three occasions in mid to late February 2026.

As to failing to administer first aid to the injured student, the employer's witness, who did not have firsthand knowledge and was reading from the principal's notes, testified that claimant had failed to follow first aid protocol for a head injury on a student in mid-February 2026. Transcript at 12. However, claimant testified that the student suffered the injury in a physical education class, did not go right away to see the school's nurse, and when the student presented in the office, did not have any obvious signs of injury such as a bump or fracture that would necessitate providing first aid. Transcript at 25. Accordingly, the employer did not prove that the student presented to the office with obvious signs of injury such that claimant's failure to administer first aid to the student violated the employer's first aid protocol.

For these reasons, the employer failed to meet their burden to prove that claimant engaged in a willful or wantonly negligent violation of their expectations as to any of the incidents that collectively constituted the proximate cause of her discharge. Claimant therefore was discharged, but not for misconduct, and is therefore not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 26-UI-332631 is affirmed.

DECISIÓN: *Se confirma la Orden No. 26-UI-332631.*

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

DATE of Service: July 24, 2026

FECHA en que se entregó la decisión: el 24 de julio de 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.

NOTA: Puede apelar esta decisión presentando una Petición de Revisión Judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) **dentro de los 30 días siguientes a la fecha de entrega de esta decisión indicada arriba.** Vea ORS 657.282. Para obtener formularios e información, visite <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> y elija el formulario para “Junta de Apelaciones Laborales”. En este sitio web, hay información disponible en español. Puede solicitar un interprete en <https://web.courts.oregon.gov/osca/clas/CLASRequestFormRedirect.html>. También puede comunicarse con la Corte de Apelaciones por teléfono al (503) 986-5555, por fax al (503) 986-5560 o por correo a 1163 State Street, Salem, Oregon 97301.

Por favor, ayúdenos a mejorar nuestro servicio completando una encuesta de servicio al cliente. Para completar la encuesta en línea, vaya a <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. Si no puede completar la encuesta en línea y desea obtener una copia impresa de la encuesta, comuníquese con nuestra oficina.



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

ទំនាក់ទំនង – តាមព័ត៌មាននេះមិនមានការបំភ្លឺឡើយអំពីការងាររបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون وذلك بإتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تأثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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