

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0624

Reversed
No Disqualification

PROCEDURAL HISTORY: On November 13, 2025, 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 October 19, 2025 (decision # L0014145766).¹ Claimant filed a timely request for hearing. On June 3, 2026, ALJ Goodrich conducted a hearing at which the employer failed to appear, and on June 10, 2026 issued Order No. 26-UI-332401, affirming decision # L0014145766.² On June 23, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) Rippling PEO 1, Inc., a professional employer organization, employed claimant on behalf of Retention Express, LLC as a customer retention specialist from June 2022 through October 21, 2025. Claimant worked from home using her own computer, though the employer provided computers to some other remote employees. Claimant was diagnosed with generalized anxiety disorder at or before the time she began working for the employer in 2022.

(2) On August 26, 2025, the employer announced that employees would soon be required to install mobile device management (MDM) software on computers used for work purposes, whether belonging to the employer or the employee. Claimant expressed concern to the director of operations (DOO) about this policy change, as she had privacy concerns regarding installing the software on her personal

¹ Decision # L0014145766 stated that claimant was denied benefits from October 19, 2025 through October 17, 2026. However, decision # L0014145766 should have stated that claimant was disqualified from receiving benefits beginning Sunday, October 19, 2025, and until she earned four times her weekly benefit amount. See ORS 657.176.

² Order No. 26-UI-332401 affirmed that claimant was disqualified from receiving benefits effective October 19, 2025, but on the basis that claimant was discharged, not for misconduct, within 15 days of a planned voluntary leaving without good cause. See ORS 657.176(7).

computer. The DOO told claimant they would discuss her concerns later. On September 23, 2026, the employer announced that the software installation would occur within the next few days.

(3) On September 26, 2025, claimant met with the DOO and her supervisor regarding her concerns about the MDM software. The DOO told claimant that she could “leave the company” if she objected to the software policy, and that she was “not a good culture fit” with the company due to having raised objections about it. Exhibit 1 at 3. Following the meeting, claimant sent an inquiry to the Oregon Bureau of Labor and Industries (BOLI) regarding the lawfulness of the software installation policy.

(4) On October 1, 2025, the DOO sent claimant a message elaborating on the employer’s response to claimant’s objections to the software policy. The message offered claimant the options of: installing the software on her existing computer; purchasing another computer solely for work purposes and installing the software on that computer; paying \$300 toward the cost of a new computer on which the software would be installed, through payroll deductions, with the employer retaining full ownership of the computer; or separating from employment.

(5) On October 3, 2025, claimant replied that she could not afford to purchase a new computer for work purposes and stood by her earlier objections to installing the software on her personal existing computer. The CEO then sent claimant a message offering her a used computer belonging to the employer at no cost, with the disclaimer that the employer did not know the condition of the computer and if it ever stopped functioning properly, claimant would have to select one of the previously mentioned options. The message set a deadline of October 10, 2025 for claimant to accept this or one of the other options. Claimant immediately responded that she would accept the used computer. On or around October 10, 2025, claimant’s supervisor asked claimant whether she had received the used computer and she replied that she had not. Claimant continued to work using her personal computer without the MDM software.

(6) On October 16, 2025, claimant received a response to her BOLI inquiry that stated, in relevant part, that “an employer generally cannot force [an employee] to install MDM software on a personal device as a condition of employment.” Exhibit 1 at 28.

(7) On October 20, 2025, claimant had a regularly scheduled meeting with her supervisor. During the meeting, claimant said that the controversy over the MDM software installation had exacerbated her mental health symptoms, including increased anxiety and suicidal thoughts. The supervisor repeatedly asked claimant if she planned to resign, and claimant replied that she did not. The supervisor implied that claimant was wrong to mistrust the MDM software and told her to “get with it or get lost.” Transcript at 38.

(8) Following the meeting, claimant spent much of the day crying and having suicidal thoughts due to her distress over the employer’s handling of her objections to the MDM software, and her belief that the employer intended to discharge her imminently for having raised them.

(9) On October 21, 2025, claimant submitted written notice of her intent to resign, effective October 24, 2025. Claimant cited the employer’s persistent suggestions that she separate from work in response to her concerns regarding the MDM software. The employer accepted claimant’s resignation with immediate effect without further explanation, and did not allow her to work during the notice period. The employer never provided claimant with the used computer.

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

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) (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).

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).

The employer discharged claimant on October 21, 2025, in response to receiving notice of her intent to resign effective October 24, 2025. The employer did not explain to claimant their reasons for not allowing her to work the notice period, and did not participate in the hearing. Therefore, the record fails to show that claimant was discharged for violating a standard of behavior that an employer has the right to expect of an employee. Accordingly, claimant’s discharge was not for misconduct. Because the discharge occurred within 15 days of a planned voluntary leaving, claimant’s reasons for leaving must be analyzed to determine the applicability of ORS 657.176(7).

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 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). “[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 generalized anxiety disorder, 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.

Claimant gave notice of her resignation due to the employer’s handling of her objections to the MDM software policy. The employer initially required claimant to install the software on her personal computer, which claimant later learned from BOLI was likely not a lawful business practice. The employer gave her alternatives of purchasing a second computer to exclusively use for work, which she could not afford to do; or of essentially renting a computer from the employer for \$300, with the

employer retaining full ownership of it. These alternatives were not reasonable under the circumstances. The employer later offered another alternative: that they would provide claimant with a used computer in unknown condition at no cost, which claimant accepted. The initial deadline to comply with the MDM software directive, October 10, 2025, passed without the employer providing the used computer to claimant, and she was still permitted to use her personal computer for work without the software installed as of the time she submitted her resignation. Claimant perceived the employer as dismissive and critical of her concerns regarding the software policy, and by October 21, 2025, believed that the employer intended to discharge her imminently, which severely exacerbated her mental health symptoms.

The order under review concluded that claimant did not face a grave situation, and that even if the situation was grave, claimant had a reasonable alternative to quitting when she did because the parties had agreed to the employer providing the used computer for claimant's use. Order No. 26-UI-332401 at 6. The record does not support this conclusion.

The employer's initial requirement that she install the software on either her existing personal computer or one purchased by her exclusively for work purposes was, in the opinion of BOLI, likely unlawful, and therefore unreasonable for the employer to enforce. However, at least in the short term, this situation was apparently resolved by the parties agreeing that the employer would provide claimant with a used computer at no cost, and the record suggests that the employer allowed claimant to continue to use her personal computer without the MDM software until she received the used computer. Nevertheless, between September 26, 2025, when claimant first met with her supervisor and the DOO to discuss her concerns about the new policy, and October 20, 2025, when claimant last met with her supervisor, the employer repeatedly suggested that claimant separate from employment, and told claimant she was "not a good culture fit" with the company for voicing her concerns, and that she should "get with it or get lost" in reference to supporting the policy. This, combined with the fact that the employer had not actually provided the used computer during the two weeks after the agreement had been reached, led claimant to believe that the employer planned to discharge her, and caused claimant significant mental distress, including persistent crying and suicidal thoughts. Claimant told her supervisor of these symptoms immediately preceding the supervisor's comment to "get with it or get lost."

Under these circumstances, a reasonable and prudent person with the characteristics and qualities of an individual with an anxiety impairment such as claimant's would conclude that they had no reasonable alternative but to quit working for the employer due to the impact of the employer's conduct on their mental health. Accordingly, claimant's planned voluntary leaving was with good cause, and ORS 657.176(7) is inapplicable. Therefore, the work separation was a discharge that was not for misconduct.

For these reasons, claimant was discharged, but not for misconduct, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 26-UI-332401 is set aside, as outlined above.

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

DATE of Service: July 31, 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.

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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 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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