

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0629

Reversed
No Disqualification

PROCEDURAL HISTORY: On May 18, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective March 22, 2026 through March 20, 2027 (decision # L0017752486). Claimant filed a timely request for hearing. On June 10, 2026, ALJ Goodrich conducted a hearing, and on June 16, 2026 issued Order No. 26-UI-332837, modifying decision # L0017752486 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective August 31, 2025 and until requalified under Department law. On June 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted written arguments on July 15 and 31, 2026. EAB did not consider claimant's July 15, 2026 written argument because 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). EAB did not consider claimant's July 31, 2026 argument because it was not received by EAB within the time allowed under OAR 471-041-0080(1) (May 13, 2019).¹ OAR 471-041-0080(2)(b).

FINDINGS OF FACT: (1) KSB, Inc. employed claimant at their coffee roasting business from August 17, 2018 through August 31, 2025. Claimant initially worked as a barista at the employer's café in downtown Bend, Oregon. Claimant later moved into a role as the employer's only coffee roaster at their warehouse elsewhere in Bend and remained in that role through the end of her employment.

¹ Claimant requested an extension of the deadline to submit her written argument, explaining that she had "received numerous confusing and conflicting instructions on how to resolve this issue . . . [and] only recently became aware that this is in fact the proper channel to resolve it." Claimant's July 31, 2026 Written Argument at 1. This explanation is not sufficient to show that claimant was unable to submit the argument prior to the original deadline of July 27, 2026 due to circumstances beyond her reasonable control. *See* OAR 471-041-0080(4)(b). As such, claimant's request to extend the written argument deadline is denied.

(2) Claimant is a transgender woman. Claimant felt the owner of the business was supportive and respectful of claimant. However, claimant felt increasingly less safe overall in Bend as a transgender woman. This was due to the political climate of the surrounding area, which sometimes saw “very conservative and . . . sometimes very militant” people come into the city. Transcript at 9. Claimant saw “no outright violence . . . [or] threats” towards the LGBTQ+ community from this group of people. Transcript at 9. However, claimant saw events that made her feel as if she had to hide her transgender identity to be safe. For instance, the city painted a rainbow crosswalk. Within a day of the crosswalk having been painted, “[a] bunch of trucks did burnouts on it . . . to just completely get rid of the color.” Transcript at 12. The same group of people tended to show up to pride events and similar events as “counter-protesters.” Transcript at 12.

(3) Because claimant felt unsafe in Bend, claimant decided that she would eventually relocate from Bend to Portland, Oregon, where she would have a better support system and felt she would be safer. Sometime in 2024, claimant informed the owner she intended to eventually move to Portland. Claimant delayed her plans to move to Portland because she enjoyed working for the employer and felt invested in the success of the business.

(4) At some point in 2025, the employer obtained a new account (hereinafter, “the new account”) and began roasting coffee for them under the account’s branded label. Some of the copy printed on the new account’s packaging, such as references to “good old-fashioned, hard-working Americans” and “traditional values,” concerned claimant because she understood such language to be political “dog whistles” towards a segment of the population that was hostile to transgender individuals. Transcript at 11. In addition, the new account’s owner regularly made unannounced visits to the warehouse where claimant worked to check on “how things were going.” Transcript at 10. Claimant was typically alone at the warehouse when the new account’s owner visited. Over time, claimant grew increasingly concerned that the new account’s owner suspected that claimant was transgender because he increasingly exhibited a “clear antagonism” toward claimant. Transcript at 23. For these reasons, claimant feared for her safety at work, and “felt like [she] had to put on a mask” and “hide [her]self” in case the new account’s owner visited claimant’s workplace, and when he was onsite. Transcript at 10.

(5) Claimant brought her concerns about the new account to the employer owner. Claimant and the employer’s owner agreed that the employer “had to find a way to” keep roasting coffee for the new account because they accounted for approximately one third of the coffee that the employer produced and the employer needed their business. Transcript at 14. Although claimant and the employer owner “both agreed that it would be better if [they] did not reveal” to the new account owner that claimant was transgender, claimant also “made it clear that she was not okay with it and that [she] thought it was antagonistic to [herself].” Transcript at 11, 13.

(6) The general feeling of a lack of safety in Bend, safety concerns regarding visits from the new account’s owner, and the burden of hiding her gender identity while at work all combined to negatively impact claimant’s mental health. As a result, claimant experienced symptoms such as forgetfulness and a lack of sleep. In turn, these symptoms caused claimant to make more mistakes at work, such as mis-roasting coffee, mis-entering data, and forgetting to submit her timecard.

(7) In or around June 2025, claimant and the employer owner were discussing claimant’s plans to eventually move to Portland. At that time, the owner told claimant that he believed that he could find a

replacement for her. On or around July 1, 2025, the owner told claimant that he had found a replacement for her. On July 1, 2025, claimant notified the employer that she intended to resign, that her last full week working would be the week of August 10, 2025, and that she would be available on an as-needed basis through September 15, 2025 while she prepared for her move to Portland. On August 2, 2025, the employer hired claimant's replacement, and claimant began training him while she prepared for her exit. On August 15, 2025, the owner emailed claimant to inform her that her last "regular" day of work would be August 29, 2025. Transcript at 31.

(8) On or around August 20, 2025, claimant received notice that she had been approved for a specialized surgery by a provider in Bend, to take place on September 17, 2025. Claimant had been waiting for this surgery for some time and had lost hope that she would be so approved before moving to Portland. After learning that she had been approved for the surgery, claimant asked the employer owner if she could continue to work for the employer longer than originally planned, as she would be staying in Bend longer for the surgery and recuperation. However, the owner declined claimant's request because her replacement had already been hired and was slated to take over claimant's work.

(9) On August 31, 2025, claimant completed her final shift for the employer, and then resigned as planned.² Claimant resigned because she was concerned for her safety as a transgender woman in Bend, and wanted to move to Portland where she felt she would be safer and better supported. However, claimant would not have resigned when she did if not for her specific safety concerns relating to the new account's owner and having to conceal her gender identity at work.

(10) Although the new account's owner did not visit the employer's café in downtown Bend, claimant could not have transferred there to work as a barista in lieu of quitting because no such positions were available at the time.

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 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 quit work because as a transgender woman, she felt unsafe in Bend, Oregon where she had seen hostility toward transgender individuals. Claimant planned to move to Portland, Oregon, where there is a better support network for transgender individuals. However, the record shows that in addition to this general concern, claimant quit when she did because she felt unsafe at work due to one of the employer's account owners. Claimant and the employer's owner felt claimant had to conceal that she was transgender at work due to unannounced visits from the account's owner, who claimant and the employer's owner felt may be hostile towards transgender individuals. The specific concerns about the

² It is not clear from the record how claimant's work after August 29, 2025 differed from "regular" work, but the record is nevertheless clear that claimant continued to work for the employer through August 31, 2025.

account's owner were the proximate cause of claimant's decision to quit when she did and the proper focus of the good-cause analysis.

It should also be noted that while the employer apparently chose claimant's last day of work, and claimant was willing to continue working for the employer for another two weeks due to her newly-approved medical care in Bend, the work separation was nevertheless a voluntary leaving because her attempt at temporarily rescinding her resignation did not alter the nature of the work separation. *See Counts v. Employment Department*, 159 Or App 22, 976 P2d 96 (1999) (where employee voluntarily submits then subsequently attempts to withdraw resignation, employer refusal to allow withdrawal does not change voluntary nature of resignation).

The order under review concluded correctly that the “mental toll” that living in Bend amongst an anti-transgender segment of the population and working for the employer while they did business with a company that eroded claimant's “sense of safety and support” at work, constituted a grave situation. However, the order also concluded that claimant quit work without good cause because she did not pursue reasonable alternatives by speaking to the employer's owner about her concerns before quitting, as doing so might have either allowed claimant to transfer to the employer's café or led the employer to “work[] on ways that they could minimize (or eliminate altogether) the scenarios where claimant might be at risk from encountering the owner of [the new account] unannounced.” Order No. 26-UI-332837 at 4–5. While the record supports the conclusion that claimant's situation was grave, it does not support the conclusion that she had reasonable alternatives to quitting when she did.

The gravity of claimant's circumstances resulted in part from the unannounced visits from the new account's owner to her workplace, typically while she was working alone, and when she had reason to believe that he would be hostile or otherwise intolerant of her gender identity. The employer's owner and claimant agreed that claimant would hide her identity to avoid being discovered. Had claimant not concealed that she was transgender, claimant had reason to believe that being found out could jeopardize both her safety and cause the employer to lose the account. These circumstances led claimant to experience negative health effects. Under such circumstances, a reasonable and prudent person would leave work rather than face the ongoing risk of harm to herself or the employer's business.

The record also shows that claimant had no reasonable alternative but to quit. As to the suggestion that claimant could have transferred to the employer's café, the record shows that this option was not available to claimant because there were no positions open there.³ As to the suggestion that claimant should have spoken to the employer's owner to minimize or eliminate the risk of her encountering the new account's owner, this also was not a reasonable alternative because the record does not show that such a course of action was possible while claimant worked as the employer's only roaster and the employer kept the new account. Claimant tended to work alone in the employer's warehouse, which was where the new account's owner would show up unannounced. Without some intervention from the employer, it is unlikely that the visits would have ceased.

³ *See Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996) (for a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual).

The record does not show that the employer would have taken additional measures to improve claimant's working conditions. When claimant discussed the matter with the employer's owner, the owner and claimant agreed that they would conceal from the account's owner that claimant was transgender. The record does not show that the employer's owner suggested any other way to improve claimant's safety and wellbeing at work. The fact that the employer's owner agreed with claimant that they needed the new account's business,⁴ and that claimant therefore should not reveal her gender identity to the new account's owner, suggests that the owner would not have taken action that might cause him to lose the new account. The employer's owner did not appear at the hearing to show that they would have taken additional action to improve claimant's working conditions, and the employer's witness was able to offer only speculative evidence of what the owner might have done had claimant discussed her continued concerns about her working conditions with the owner.

Thus, claimant has met her burden to show that speaking to the employer's owner about the new account's owner would not have been a reasonable alternative to quitting. As such, claimant voluntarily quit work for a reason of such gravity that she had no reasonable alternative but to quit. Claimant therefore 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-332837 is set aside, as outlined above.

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

DATE of Service: August 13, 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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⁴ At hearing, the employer's witness refuted the assertion that the new customer's business was necessary for the employer's continued financial solvency, testifying that they were no longer the employer's customer and that the loss of the business did not "make or break" the employer. Transcript at 39–40. However, the record shows that the employer was in business with the new customer when claimant quit; and that, based on her conversations with the employer's owner, claimant had reason to believe that new customer's account *could* "make or break" the employer's business.



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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