

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0685

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 21, 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 January 25, 2026 (decision # L0017674543). Claimant filed a timely request for hearing. On July 7, 2026, ALJ Enyinnaya conducted a hearing, and on July 9, 2026 issued Order No. 26-UI-334579, affirming decision # L0017674543. On July 24, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because he did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

FINDINGS OF FACT: (1) Murphy Company employed claimant at their lumber goods plant from July 5, 2023 through January 28, 2026. Claimant was initially hired to work on the "dryer" portion of the employer's plywood production line. Transcript (1) at 5.¹

(2) During at least some of his tenure with the employer, claimant felt that his direct supervisor was a "bully." Transcript (1) at 14. The supervisor engaged in actions such as physically and verbally assaulting claimant and using foul language towards claimant. Claimant told the supervisor that he was not okay with the treatment, but it persisted. Claimant tried to contact the employer's human resources (HR) department about the issue but was not successful. Claimant did not report the supervisor's behavior to anyone in a position of higher authority, such as the shift supervisor or plant manager. Had he done so, they would have spoken to claimant's supervisor and either moved or disciplined him if necessary.

¹ The transcript of the hearing in this matter was split into two parts, although the hearing itself took place in a single session on July 7, 2026. For the sake of clarity, the two transcripts are denoted as (1) or (2), as applicable.

(3) On April 11, 2025, the employer presented claimant with a “trainee agreement,” saying that claimant was to eventually begin training for the “laydown operator” role, a different position on the production line. Transcript (1) at 21; Transcript (2) at 4. Claimant signed the agreement, and eventually began training for the role, but never became comfortable performing the work it required, at least in part, because he felt it was too fast-paced for him.

(4) Towards the end of his tenure with the employer, claimant began to experience “extreme anxiety” around arriving to work, primarily because of his interactions with this supervisor. Transcript (1) at 11-12. Around that time, claimant began seeing a counselor for help with his anxiety and was diagnosed with post-traumatic stress disorder (PTSD).

(5) In early January 2026, the employer informed claimant that he would soon have to begin working in the laydown operator role. Claimant was concerned about moving into that role, as he was still uncomfortable performing that work “either physically or mentally[.]” Transcript (1) at 9. Claimant told the employer that he did not wish to perform the role. However, the employer told claimant that if he did not agree to perform the laydown operator role, he would have to move to another role on a different shift such as graveyard or the “labor pool.” Transcript (2) at 11-12. While claimant was comfortable working in the other roles offered, he felt that he could not work any different shifts because he was a single parent to two children aged eight and ten.

(6) On January 28, 2026, claimant left a voicemail for the HR department saying that he was quitting with immediate effect. Claimant quit due to his treatment at the hands of his supervisor, and because he did not wish to work in the laydown operator role.

(7) On or around January 29, 2026, after he had already left the voicemail for the HR department, claimant spoke to the employer’s plant manager. During their phone call, the plant manager told claimant that if he did not perform the laydown operator role, he would “accept [claimant’s] resignation.” Transcript (1) at 11.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work 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).

The parties disputed the nature of the work separation. At hearing, claimant repeatedly denied that he had quit, instead asserting that while he did not wish to leave, he felt that the employer “forced [him] to resign.” Transcript (1) at 6. By contrast, the employer asserted that claimant had quit. Transcript (1) at 20. The record shows that on or around January 29, 2026, after he had already left the voicemail for the HR department, claimant had a discussion with the plant manager in which the latter told claimant that if he did not perform the laydown operator position, he would “accept [claimant’s] resignation.” Regarding this conversation, claimant testified that he had told the plant manager that he “didn’t

necessarily want to resign” and that there had to be “different options” available to him, but that “if that’s all I have, then I guess I have to accept it.” Transcript (2) at 16.

To be clear, claimant’s January 28, 2026 voicemail for the HR department functioned as his actual resignation. The record does not show that the employer was unwilling to allow claimant to continue working for them, whereas claimant unequivocally told the employer on that date that he was quitting. Claimant’s assertion to the contrary is essentially that because he did not like the options presented to him and would have preferred to continue working for the employer, he did not voluntarily quit. However, under OAR 471-030-0038(2)(a), because claimant had the option of continuing to work for the employer but chose not to do so because of what doing so would require of him, the work separation was a voluntary leaving. Claimant’s *reasons* for quitting are a separate matter, as discussed below, and are considered when deciding whether he quit for good cause.

It should further be noted that the above analysis would apply even if claimant had not left the voicemail for the HR department but instead had merely agreed with the plant manager’s statement “accepting” claimant’s resignation. There, too, claimant was presented with a choice in which he could either continue working for the employer under conditions he did not favor or leave work. Because the option of continuing to work for the employer was available to claimant, but he chose not to continue working for them, that would have also functioned as a voluntary leaving had he not already quit by leaving the voicemail for the HR department prior to the call with the plant manager.

For the above reasons, the work separation was a voluntary leaving that occurred on January 28, 2026.

Voluntary Quit. 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 post-traumatic stress 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 voluntarily quit work for two reasons: concerns about how his supervisor was treating him, and not wanting to work in the laydown operator role. Claimant has not met his burden to show that either of these constituted good cause for quitting.

As to the concerns about his supervisor, the record shows that this was a grave situation. Claimant asserted that the supervisor had engaged in behavior such as physically and verbally assaulting him. The employer did not rebut this assertion. As such, claimant’s circumstances were grave. However, claimant did not seek reasonable alternatives to quitting for this reason. The record shows that claimant attempted to speak to the supervisor directly about the latter’s conduct, but that the abuse continued despite these attempts. Claimant likewise tried to contact the HR department about the supervisor’s conduct, but was unsuccessful in reaching them. Claimant did not describe *why* he was unable to reach the HR

department, though, and neither did he explain how or when he tried to reach them. As such, it cannot be said that claimant, more likely than not, made a serious, good-faith effort to report the supervisor's conduct to the HR department, as a reasonable and prudent person would have done in such circumstances.

Similarly, claimant made no attempt to report the supervisor's conduct to any member of leadership above the supervisor himself. Had he done so, the record shows that the employer would have made an inquiry into the report and taken steps, such as reassignment or discipline, if warranted. At hearing, claimant explained that he did not do so because he was unwilling to "keep going up the chain," and that his concerns "should be conveyed by the supervisor to the shift supervisor to the plant manager." Transcript (2) at 14. This explanation is illogical. A reasonable and prudent person in claimant's circumstances would have understood that expecting the object of one's complaints to report those complaints to the latter's own supervisors was unlikely to produce any results satisfactory to the person complaining and would therefore have instead made the complaints to a person who was actually likely to do something about them. Doing so would have been a reasonable alternative to quitting. Because claimant did not make such complaints to a higher-up member of leadership or make a more serious effort to speak to the HR department about his concerns, he failed to seek reasonable alternatives to quitting, and therefore did not have good cause for quitting due to his supervisor's conduct.

As to not wanting to work in the laydown operator role, claimant also has not met his burden to show that this was good cause for quitting. For one, while claimant broadly described his concerns about the role—he felt it was too fast-paced for him, for instance—the record contains no clear explanation for what the role actually required him to do or why he felt that he could not do it. Without such a description, it cannot be objectively determined that claimant was actually unable to safely perform the role, his own objections notwithstanding. Claimant likewise did not describe, with any measure of clarity, any negative results that could occur were he ultimately unable to perform the role. As such, claimant has not shown that continuing to work for the employer and performing the laydown operator role was a grave situation.

Even if the situation was grave, however, claimant also has not shown that he had no reasonable alternative to quitting. The record shows that claimant had, broadly, two alternatives to performing the laydown operator role: either working in other roles on a graveyard shift or being moved into the "labor pool." Claimant was comfortable with working in other roles but asserted that he could not work the graveyard shift because he was a single parent to two young children. Claimant did not expand on this concern further and therefore did not show, for instance, that he had no options for overnight childcare that would have allowed him to work the graveyard shift. Even if no such options existed, however, claimant offered no explanation as to why he could not be moved into the "labor pool," or even what that would have entailed. As such, claimant has not shown that this was not a reasonable alternative to quitting.

For the above reasons, claimant has not met his burden to show that he quit for reasons of such gravity that he had no reasonable alternative but to quit. Claimant therefore voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective January 25, 2026.

DECISION: Order No. 26-UI-334579 is affirmed.

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

DATE of Service: September 9, 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.

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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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