

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0697

Reversed & Remanded

PROCEDURAL HISTORY: On July 8, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving unemployment insurance benefits effective April 12, 2026 (decision # L0018590531).¹ Claimant filed a timely request for hearing. On July 27, 2026, ALJ Frank conducted a hearing at which the employer failed to appear, and on August 4, 2026 issued Order No. 26-UI-336642, affirming decision # L0018590531. On August 6, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Vigor Works, LLC employed claimant from November 2025 through April 12, 2026.

(2) Over the course of her tenure with the employer, claimant regularly experienced what she felt was abusive behavior from her supervisor the vice president, and one of their senior directors. This behavior, which claimant felt created a hostile work environment, included “temper tantrums” and conduct that claimant felt was retaliatory when she tried to move to a different team. Audio Record at 7:40. The vice president had also “humiliate[d]” claimant in front of coworkers at meetings by “yelling and... belittling” her, and she had seen him do the same to other employees as well. Audio Record at 16:50 to 17:20.

(3) At various points in time, claimant raised concerns about the vice president’s and senior director’s behavior with the employer’s director of human resources (HR), the CEO, and the CFO, but claimant felt that the issue was not resolved. Claimant attempted to resign three times while she worked for the employer, but agreed to stay after the CFO requested that she do so.

(4) On or around April 5, 2026, claimant was assigned to complete a report regarding two categories of expenditures that had not been independently accounted for, and then to convey the report to the vice

¹ Decision # L0018590531 stated that claimant was denied benefits from April 12, 2026 to July 11, 2026. However, decision # L0018590531 should have stated that claimant was disqualified from receiving benefits beginning April 12, 2026 and until she earned four times her weekly benefit amount. See ORS 657.176.

president. Because of the improper accounting, claimant knew the data she had to use to prepare the report was faulty, and that the report would therefore be inaccurate. Knowing this, and that the vice president wanted her to present the report in a group setting at a meeting, claimant feared that the vice president would give her a “public tongue-lashing” at the meeting. Audio Record at 19:55. As such, after completing about half of the report, claimant decided to quit due to what she felt was the executives’ ongoing verbal abuse. Later that day, claimant sent the employer a notice of resignation, indicating that she would be resigning in two weeks.

(5) On or around April 12, 2026, approximately one week after claimant gave her two-week notice, the employer “decided to cut [claimant] off earlier” and discharged claimant. Audio Record at 10:37.

CONCLUSIONS AND REASONS: Order No. 26-UI-336642 is set aside and this matter remanded for further development of the record.

Discharge Prior to Planned Voluntary Quit. 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).

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).

On or around April 12, 2026, claimant separated from work, approximately one week before the date on which she planned to resign. The record shows that the separation occurred because the employer discharged her on that date. Nevertheless, the order under review erroneously found that claimant quit on that date, and did not account for the fact that the employer discharged her prior to the date on which she had planned to quit. Order No. 26-UI-336642 at 2.

The record does not show why the employer discharged claimant. As such, it cannot be determined that the employer discharged her for a willful or wantonly negligent violation of their standards of behavior, and claimant’s discharge therefore was not for misconduct. However, because the discharge occurred within 15 days of claimant’s planned voluntary quit, whether claimant’s planned quit was for good cause must also be determined, so as to determine whether ORS 657.176(7) applies to the work separation.

Planned 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 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 intended to quit because of what she felt was the executives’ ongoing verbal abuse. In particular, claimant planned to quit in anticipation of being verbally abused by the vice president, in front of a group of coworkers, when presenting the report she was working on. The order under review concluded that while “[c]laimant and other employees had a reasonable right to work in an environment free of such conduct,” claimant’s circumstances were not grave because “claimant gave notice to resign predictively in anticipation that a report she had partially completed might not be well received following its completion.” Order No. 26-UI-336642 at 2. The record as developed does not support this conclusion.

As the order under review acknowledged, claimant had the right to a workplace free from abuse. Thus, claimant’s circumstances may have been grave. However, more information is necessary to determine whether claimant’s circumstances were grave and, if so, if she had no reasonable alternative but to quit.

Chiefly, more specificity is necessary to determine, objectively, what actually happened to claimant, the specific responses she received after speaking to HR and other members of leadership, and when these events occurred. At hearing, claimant asserted that she was subject to or otherwise present for “temper tantrums,” “humiliat[ion],” “yelling and belittling,” and retaliation, and feared a “public tongue-lashing” would result from presenting the assigned report to the vice president. While such occurrences sound concerning, all of these characterizations are too subjective to determine, objectively, what conduct the executives were actually engaging in. On remand, the ALJ should ask claimant for specific instances of such conduct, including details such as to what was actually said or done to claimant, by whom, and on what date. The ALJ should similarly elicit details from claimant regarding when she spoke to each of the various persons in positions of responsibility regarding her concerns, what she told them, and what they said or did in response (even if claimant found their response to be unsatisfactory).

Additionally, as claimant decided to quit in mere anticipation of further abusive behavior, the record suggests that this behavior had some negative effects on claimant. However, the record as developed does not show what these effects, if any, were. On remand, the ALJ should inquire as to how, if at all, the executives’ behavior affected claimant, and what measures, if any, claimant took to try to mitigate these effects.

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant’s planned voluntary leaving would have been for good cause, Order No. 26-UI-336642 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-336642 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: September 22, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-336642 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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

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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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