EO: Interstate
BYE: 29-May-2027

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

854
VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0870

Affirmed
Disqualification

PROCEDURAL HISTORY: On July 28, 2026, 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 May 24, 2026, and that claimant received benefits to which she was not entitled, and assessing an overpayment of $682 that claimant was required to repay to the Department (decision # L0018922727).[1] Claimant filed a timely request for hearing. On August 28, 2026, ALJ S. Lee conducted a hearing at which the employer failed to appear, and on September 4, 2026 issued Order No. 26-UI-339242, affirming decision # L0018922727. On September 15, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) Jubitz Corporation employed claimant at one of their bars from 2022 through May 30, 2026.

(2) On November 7, 2024, claimant's car was damaged in an attempt to steal from it while it was parked on the employer's property. The employer offered to have one of their mechanics repair it, or to contribute toward her insurance deductible, and suggested an alternate location for parking. Claimant was dissatisfied with the repairs made by the employer and with their handling of the incident generally.

(3) On December 31, 2024, a coworker "disposed of" claimant's coat while claimant was working. Exhibit 1 at 4. Claimant complained to the employer about this incident, which claimant believed had been captured on surveillance video and depicted the coworker under the influence of an intoxicant.

[1] Decision # L0018922727 stated that claimant was denied benefits from May 31, 2026 to May 29, 2027. However, as decision # L0018922727 concluded that the work separation occurred on May 29, 2026, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, May 24, 2026, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

Claimant felt that "no meaningful corrective action" was imposed on the coworker in response. Exhibit 1 at 4.

(4) At some point in 2025, claimant consumed an alcoholic beverage at the employer's bar after her shift ended. On claimant's drive home, she gave a ride to a patron of the bar. Claimant began acting so erratically during the drive that the passenger became concerned for their safety. After arriving at the patron's home, claimant continued to act erratically before driving herself home against the urging of the patron. Claimant later suspected that a coworker had put something in her drink without her knowledge, in part because that coworker had put marijuana in claimant's drink without her knowledge on a prior occasion at the coworker's home. Claimant reported this to the employer, and the coworker separated from employment shortly thereafter.

(5) On July 11, 2025, a coworker gave claimant's full name and phone number to a customer after claimant had left the bar. Later that night, claimant saw a suspicious vehicle and person near her home. Claimant reported this to the employer the following day, associating the suspicious sightings at her home with the coworker's disclosure of her name and phone number.

(6) In late May 2026, one of claimant's coworkers raised a concern with the employer about whether claimant's work attire met the employer's standards. This concern was communicated to claimant by the employer. Claimant then confronted the coworker about it and the coworker "responded by yelling at [claimant] across the bar in front of customers, criticizing [her] work, referencing [her] age, and telling [her] that as a 40-year-old woman [she] needed to grow up and do [her] job." Exhibit 1 at 5.

(7) On May 29, 2026, when claimant reported for work, she was called into a meeting to discuss her ongoing tardiness and other alleged policy violations, which may have been brought to management's attention by coworkers. Claimant had previously complained to her supervisor that she felt "singled out and treated negatively by coworkers," and raised this complaint again in the meeting. Exhibit 1 at 5. Claimant understood from management's response that they and the human resources (HR) department were aware of her complaints regarding her coworkers, though claimant had not interacted with HR directly since the 2025 suspected drink adulteration incident.

(8) On May 30, 2026, claimant sent the employer a text message, stating in relevant part:

> Over the last year and a half, with everything that has occurred involving my vehicle, the concerns that I and others have raised about workplace behavior, and the continued bullying that HR and management have been aware of, I don't feel safe at work. This is not directed at any one person. Rather, the environment and circumstances have become extremely hostile. At this time, I do not feel comfortable returning to the workplace.

Exhibit 1 at 27-28. The employer accepted this message as claimant's resignation and replied, in part, that they had been "doing an investigation on everything." Exhibit 1 at 28. Claimant did not work for the employer thereafter.

(9) Prior to May 30, 2026, claimant had frequently considered asking to transfer to a kitchen position to distance herself from coworkers, but abandoned that idea when a new chef was hired because claimant believed that the new chef was treating kitchen employees badly. Claimant did not otherwise seek to

separate herself from the coworkers she believed responsible for her displeasure with the work environment.

(10) On June 2, 2026, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid, with a weekly benefit amount of $341. Claimant reported on the claim that her employment ended because she was laid off by the employer for lack of work. Claimant claimed benefits for the weeks of June 7, 2026 through June 20, 2026 (weeks 23-26 and 24-26) and was paid $341 in benefits for each week, totaling $682. Claimant did not earn at least four times her weekly benefit amount from other employment between May 31, 2026 and June 20, 2026.

(11) On September 10, 2026, the Department waived recovery of the $682 overpayment assessed in decision # L0018922727.[2]

CONCLUSIONS AND REASONS: Claimant voluntarily quit work without good cause. Claimant was overpaid $682 in benefits that she was liable to repay to the Department, but recovery was waived.

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 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 due to several points of dissatisfaction with the work environment. Many of the events contributing to this dissatisfaction occurred long before claimant's May 30, 2026 resignation, including the November 2024 car damage and the December 2024 disposal of her coat, as well as the disclosure of her name and phone number to a customer by a coworker and the suspected adulteration of her drink by a coworker, both of which occurred in 2025. It is unclear what, if anything, claimant expected the employer to do regarding these incidents in May 2026 that they had not already done. For example, the employer offered some compensation to claimant for the damage to her car, even though they were not necessarily legally obligated to do so; and the coworker involved in the drink adulteration incident separated from employment within days of the incident occurring. The record does not suggest that, based on the 2024 and 2025 incidents, claimant faced any ongoing threat to her property or physical safety attributable to her employment as of May 30, 2026. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not have quit work at the time claimant did based on these incidents, whether considered individually or collectively.

Aside from those specific incidents, claimant asserted that she faced a culture of "continued bullying" and negative treatment by her coworkers that the employer had not adequately addressed by May 30,

[2] EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed fact will remain in the record.

2026. Exhibit 1 at 27-28. When asked at hearing to provide specific examples of such treatment, claimant responded, "Just constantly going to management about my. . . outfit I was wearing. Or that I'm five minutes late. Or . . . [that] I'm just constantly going and nagging." Transcript at 14. In documents claimant provided for the hearing, she described an incident during "one of [her] final shifts," where she initiated a conversation with a coworker about the coworker having made a complaint to management about claimant's work attire, and the coworker responded, in part, by yelling in front of customers for claimant to "grow up and do [her] job." Exhibit 1 at 5. On claimant's final day of work, she was called into a meeting regarding her tardiness and work attire. Claimant admitted at hearing that she had been five to ten minutes late for her shifts, and when asked whether her attire violated the employer's policies, did not answer directly but testified that the issue involved wearing jeans with a tear in the knee, and that she considered complaints about the jeans to be "nit-picking." Transcript at 15, 24. This suggests that at least some of claimant's coworkers' complaints had not been baseless, and were perhaps intended to get claimant to comply with employer policies that they themselves were expected to follow.

While claimant was understandably displeased with her coworker's harsh response in the incident described, it was on a topic of conversation initiated by claimant and took place at a time and location selected by claimant. Under these circumstances, neither the coworker's initial report to management about claimant having potentially violated employer policies, nor the coworker's response to claimant confronting her about it, can be viewed as evidence of "continued bullying." The record fails to show that the treatment claimant experienced by her coworkers would have caused a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, to leave work for that reason, even when considered in the context of the 2024 and 2025 events described by claimant. Accordingly, claimant did not face a situation of such gravity that she had no reasonable alternative but to quit work when she did, and therefore quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective May 24, 2026.

Overpayment. A claimant who was overpaid benefits because the claimant, regardless of their knowledge or intent, made or caused to be made a false statement or misrepresentation of a material fact, or failed to disclose a material fact, must repay the benefits or have the benefit amount deducted from future benefits otherwise payable to them. An overpayment may only be deducted from any future benefits the claimant is eligible to receive within the five years after the decision concluding there was an overpayment becomes final. ORS 657.310(1)(a).

Claimant was paid $682 in benefits for the weeks of June 7, 2026 through June 20, 2026 (weeks 23-26 and 24-26). As discussed above, claimant was disqualified from receiving benefits based on the work separation, effective May 24, 2026, and the record does not show that claimant had requalified for benefits through subsequent earnings by June 20, 2026. *See* ORS 657.176(2) Therefore, claimant was not entitled to the benefits she received for weeks 23-26 and 24-26, and was overpaid $682 for that period. Claimant provided inaccurate information on her initial claim regarding the work separation, in that she represented that she had been laid off due to lack of work when she had actually quit work, and that inaccurate information likely caused the Department to pay benefits for weeks 23-26 and 24-26 prior to fully investigating the circumstances of the separation. Recovery of the overpayment is therefore

governed by ORS 657.310(1)(a). However, the record shows that the Department waived recovery of the overpayment, and for that reason claimant is no longer liable to repay it to the Department.

DECISION: Order No. 26-UI-339242 is affirmed.

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

DATE of Service: November 3, 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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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