

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-1175**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 5, 2022, 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 benefits effective June 19, 2022 (decision # 104352). Claimant filed a timely request for hearing. On November 10, 2022, ALJ Sachet-Rung conducted a hearing, and on November 17, 2022 issued Order No. 22-UI-207635, affirming decision # 104352. On November 28, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant's December 14, 2022 written argument was considered to the extent it was based on the hearing record. EAB did not consider claimant's November 28, 2022 written argument when reaching this decision because she did not include a statement declaring that she provided a copy of that argument to the opposing party or parties as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of five pages of emails and has been marked as EAB Exhibit 1 and a copy provided to the parties with this decision. Claimant submitted this evidence prior to the hearing but it was not received by the Office of Administrative Hearings (OAH). The admission of this evidence is necessary to complete the record under OAR 471-041-0090(1)(a). Any party that objects to our admitting EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

**FINDINGS OF FACT:** (1) Apple One Employment Service employed claimant by placing her in a temporary position as a COVID case coordinator from August 8, 2022, until September 20, 2022.

(2) At the time the position was offered to claimant, the employer represented that the work would be full-time from 8:00 a.m. to 5:00 p.m. Claimant received another offer of long-term full-time work the same day, but accepted this assignment instead based on the representation it would be full-time.

(3) Upon beginning the employment, claimant learned that the position actually offered only 30 hours per week, which greatly distressed claimant. Claimant was also upset that there were few tasks for her to do because she liked to keep busy at work and over other “little things” in her day-to-day work. Transcript at 14.

(4) On the morning of September 19, 2022, claimant emailed her direct supervisor that she was ill and would not be coming to work that day. The supervisor responded by excusing her absence and saying she was “not sure there would even be any work for [claimant] to do.” EAB Exhibit 1 at 2. Claimant replied, asking what the point would be of her coming in the next day, which she had planned to do if she recovered from her illness. The supervisor responded that some cases had come in for claimant to work on but that she could work less than a full day if she wished. The supervisor also mentioned that “things have really slowed down over the past week with COVID cases.” EAB Exhibit 1 at 1-2.

(5) On September 20, 2022, claimant came to the worksite and removed her personal belongings. She then emailed the employer and supervisor that she was quitting and did not return to work thereafter. Claimant did not have another offer of employment.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work without 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 Department*, 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).

Claimant’s primary reason for quitting was her dissatisfaction over the employer’s misrepresentation that the job would be full-time work. She found this particularly upsetting because she accepted this job offer over another that would have been full-time work. Claimant’s persistent disappointment over this turn of events enhanced claimant’s sensitivity to minor workplace grievances of not having enough tasks to occupy her time, others taking credit for her work, her work phone number being removed from a website to divert potential tasks to someone else, and excessive uncertainty and change in the workplace. Transcript at 14. The employer continued to offer claimant approximately 30 hours of work per week regardless of need for her services, and paid her for all hours worked.

While the misrepresentation of work hours when claimant needed and expected full-time work was understandably upsetting to her, it did not constitute a reason of such gravity as to justify quitting. For a claimant to have good cause to voluntarily leave work, the claimant must derive some benefit from leaving work. *See Oregon Public Utility Commission v. Employment Dept’t.*, 267 Or App 68, 340 P3d 136 (2014). Claimant did not work or earn money at all immediately after leaving the employment, and she therefore derived no benefit from leaving part-time employment based on her dissatisfaction that it was not full-time employment. Claimant’s other complaints, mostly relating to not being given enough

tasks to do or credit for what work she did, would not have caused a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, to leave work. Claimant has therefore not met her burden of establishing that she had a reason of such gravity that she had no reasonable alternative to leave work.

Claimant quit working for the employer without good cause. She is disqualified from receiving benefits effective June 19, 2022.

**DECISION:** Order No. 22-UI-207635 is affirmed.

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

**DATE of Service:** January 26, 2023

**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 listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at [courts.oregon.gov](https://courts.oregon.gov). Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



# 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 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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