

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

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0070

Affirmed
No Disqualification

PROCEDURAL HISTORY: On October 14, 2024, 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 February 4, 2024 (decision # L0006512987).¹ Claimant filed a timely request for hearing. On January 7, 2025, ALJ Bender conducted a hearing, and on January 10, 2025, issued Order No. 25-UI-279332, reversing decision # L0006512987 by concluding that claimant voluntarily quit work with good cause and therefore was not disqualified from receiving benefits based on the work separation. On January 30, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: The employer's argument contained information that was not part of the hearing record, and did not show that factors or circumstances beyond the employer's reasonable control prevented them from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered the employer's argument to the extent it was based on the record.

FINDINGS OF FACT: (1) O'Reilly Auto Enterprises, LLC employed claimant, most recently as a store manager at one of their retail stores, from January 2, 2022, through September 10, 2024. As store manager, claimant's duties included maintaining staffing at his store at a level deemed adequate by the employer's upper management, and personally covering shifts that were not otherwise adequately staffed.

¹ Decision # L0006512987 stated that claimant was denied benefits from September 22, 2024, to September 20, 2025. However, as decision # L0006512987 stated that claimant quit on February 10, 2024, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 4, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

(2) In 2018, claimant was diagnosed with idiopathic hypersomnia, a sleep disorder which prevents claimant from getting restful sleep. Upon diagnosis, claimant was prescribed a medication which helps with the condition. Claimant was required to regularly follow up with his medical provider to manage the condition and the medication he took for it.

(3) For at least several months prior to August 21, 2024, claimant's store experienced persistent staffing shortages, despite claimant's efforts to recruit and retain employees. Claimant asked the employer for staffing help on several occasions during this time. While the employer occasionally provided claimant with employees from other locations to help cover claimant's store, the help was short-lived, and did not address the problem on a permanent basis.

(4) As a result of the staffing shortage, claimant typically worked open-to-close shifts, nearly every day of the week, with few days off, during this time period. During that time, claimant often worked approximately 90 hours per week. Including his commute, which was approximately a 35-minute drive in each direction, claimant typically would wake at 4:00 a.m., leave home at 6:00 a.m., and get home around 10:00 p.m. This left claimant with little time for himself. Claimant therefore was often unable to spend time with his family, and also regularly had to cancel medical appointments because he could not find coverage for his shift at the store.

(5) In or around July 2024, claimant's stepfather died. On August 19, 2024, claimant's father died. Claimant took a bereavement leave for his father's death from August 21, 2024, through September 8, 2024. Claimant was named the administrator of his father's estate, but the administration of the estate was delayed for several weeks due to an investigation into his father's death.

(6) On September 9, 2024, claimant returned from bereavement leave and learned that his store's assistant manager had left, leaving the store even more short-staffed than it had been before claimant took his leave. Claimant again sought staffing help from the employer, but the managers of other stores in the area were unable to provide help because of their own staffing shortages, and the district manager himself was unable to help because of his own personal issues at the time.

(7) On September 10, 2024, claimant notified the employer that he was resigning, effective that day. Claimant quit because the persistent staffing shortage required him to work long hours with few days off, impacting his ability to tend to his health, spend time with his family, and administer his late father's estate.

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 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). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had idiopathic hypersomnia, 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 no

reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would have continued to work for their employer for an additional period of time.

Claimant voluntarily quit work because of a persistent staffing shortage at his store which required him to work long hours with few days off. This impacted his ability to tend to his health, spend time with his family, and administer his late father's estate. Given how little time claimant's schedule permitted him for himself—he was home for about eight hours on a typical day, most of which he appears to have spent asleep—no reasonable and prudent person suffering from a sleep disorder such as claimant's would have continued to work for the employer for an additional period of time. Continuing to work for the employer would more likely than not have further compromised claimant's ability to effectively treat his medical condition and would have kept him from administering his father's estate. Thus, claimant's circumstances were grave.

Claimant also had no reasonable alternative to quitting. The record shows that claimant sought help from the employer in increasing the staffing at his store, so that claimant would not personally have to work such long hours, on multiple occasions prior to taking bereavement leave. However, while the employer supplied claimant with temporary help, the employer never addressed the problem on a permanent basis. Claimant returned from leave to find the staffing shortage the same, if not worse, than when he had taken his leave. Claimant again contacted the employer for help, but no help was available. Given this response and the employer's repeated failure to help claimant adequately staff the store on a permanent basis, any further efforts on claimant's part would, more likely than not, have been futile. Thus, no reasonable alternatives were available to claimant.

Because claimant quit work for a reason of such gravity that he had no reasonable alternative but to quit, claimant voluntarily quit work with good cause, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-279332 is affirmed.

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

DATE of Service: March 3, 2025

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 باتباع 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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