

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0092

Affirmed
Disqualification

PROCEDURAL HISTORY: On November 25, 2024, 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 October 27, 2024 (decision # L0007429038).¹ Claimant filed a timely request for hearing. On January 29, 2025, ALJ Enyinnaya conducted a hearing, and on February 6, 2025, issued Order No. 25-UI-282267, affirming decision # L0007429038. On February 12, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Coos-Bay School District employed claimant as a special education resource teacher from August 19, 2024, through October 29, 2024.

(2) In or around 2023, claimant's high-school-aged son developed a medical condition that required claimant to take time off of work from her previous employer, a different school district, to care for her him. At that time, claimant found it difficult to coordinate between her then-employer and her son's physician to obtain and submit the paperwork necessary to obtain leave from work. Claimant's son's condition eventually improved significantly with treatment.

(3) On or around October 27, 2024, the symptoms of claimant's son's condition re-emerged, and he experienced a severe nosebleed and headache that required a trip to the emergency room, and neurological evaluation. Claimant tended to her son after his discharge from the hospital. As a single parent, she was the only person available to do so.

(4) Also on or around October 27, 2024, claimant's close friend was involved in a serious accident that left them in critical condition, as they had sustained a head injury and consequently suffered a brain

¹ Decision # L0007429038 stated that claimant was denied benefits from October 27, 2024 to July 19, 2025. However, decision # L0007429038 should have stated that claimant was disqualified from receiving benefits beginning Sunday, October 27, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

hemorrhage. Claimant was worried that her friend would succumb to her injuries. Claimant supported her friend in their recovery because claimant's friend had no one available to support them.

(5) Claimant found herself unable to concentrate on work while she was preoccupied with the well-being of her son and friend, and determined that she would not be able to care for either of them sufficiently while working. On October 28, 2024, claimant notified the employer that she would be resigning, effective October 29, 2024.

(6) On October 29, 2024, claimant quit work to care for her son and friend. At the time, claimant had accrued balances of paid sick leave, personal leave, and family illness leave, but did not request to use any paid leave instead of quitting. Had claimant made such a request, the employer would have considered it, and would have also considered granting claimant an unpaid leave of absence for time not covered by paid leave. Claimant did not request either paid or unpaid leave because of the difficulties she had had when doing the same with her previous employer, because she felt like she needed to act quickly to ensure that her son and friend were properly cared for, and because she felt that leaving the employer to cover her courseload would have been an unfair burden on them.

CONCLUSIONS AND REASONS: Claimant 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). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for their employer for an additional period of time.

Per OAR 471-030-0038(5)(g), leaving work with good cause includes, but is not limited to, leaving work due to compelling family reasons. "Compelling family reasons" is defined under OAR 471-030-0038(1)(e)(B) to include circumstances in which "the illness or disability of a member of the individual's immediate family necessitates care by another and the individual's employer does not accommodate the employee's request for time off." OAR 471-030-0038(1)(f) defines "a member of the individual's immediate family," as used in OAR 471-030-0038(1)(e)(B), above, to include "spouses, domestic partners, parents, and minor children under the age of 18, including a foster child, stepchild or adopted child."

Claimant quit work because, at nearly the same time, her son experienced a relapse of a medical condition and her friend was seriously injured in an accident, and she was the only person available to offer them care or support. As a preliminary matter, because claimant voluntarily quit work, at least in part, to care for her son, it must be determined whether claimant quit work due to a "compelling family reason," as that term is defined under OAR 471-030-0038(5)(g). Claimant's circumstances did not constitute a compelling family reason under this definition.

The record shows that claimant's son necessitated care by another: claimant. The record does not show how old claimant's son was when claimant quit. Nevertheless, because he was high-school-aged, he was more likely than not under the age of 18, which would qualify him as a member of claimant's "immediate family" under the rule. Even assuming this to be true, however, for such a circumstance to be considered a compelling family reason, the employer must have failed to accommodate claimant's request for time off so that she could provide that care. Claimant never made such a request, and the employer thus could not have failed to accommodate it. Therefore, claimant did not quit for a compelling family reason, and her decision to quit must be considered under the standard analysis of OAR 471-030-0038(4).

The record was not well-developed as to the extent of care that either claimant's son or her friend required of claimant. Even assuming that both required such extensive levels of care from claimant that claimant could not reasonably have worked full time while providing this care, however, claimant has not shown that she faced a situation of such gravity that she had no reasonable alternative but to quit. To be clear, claimant's situation was sympathetic, and the combined needs of her son and her friend may well have constituted a grave situation. Nevertheless, claimant failed to seek reasonable alternatives prior to quitting.

In particular, claimant failed to show that pursuing a leave of absence from work would not have been a reasonable alternative to quitting. In suggesting that such an alternative would not have been reasonable, claimant offered the example of her previous similar experience with her former employer, which she found to be difficult and frustrating, and pointed to the exigency of the circumstances, suggesting that there was not sufficient time for her to make such arrangements prior to taking leave. Claimant also raised concerns that leaving the employer to cover her courseload would have been unfair to the employer.

As for claimant's concerns about the process of requesting leave, claimant's anecdotal evidence of the process being difficult with her former employer does not show that the process would have been unduly burdensome with *this* employer. Neither was it clear from the record that claimant could not have quickly taken a leave of absence and then sorted out the administrative details with the employer while she was on leave. Thus, neither of these concerns indicate that requesting a leave of absence would have been futile.

As for claimant's concern about the employer covering her courseload, while her concern is commendable, claimant did not show that the employer would not have been able to manage her absence. Further, the employer had multiple types of paid leave available, including, in particular, leave that was apparently meant to cover absences due to the illness of an employee's family member. This strongly suggests that the employer anticipated employees using this type of leave when necessary, and that the employer was, more likely than not, equipped to handle employee absences due to such circumstances. Therefore, claimant's concern about the employer finding coverage for her courseload was not sufficient to show that requesting a leave of absence would not have been a reasonable alternative to quitting.

Because claimant failed to show she had no reasonable alternative but to quit work, she failed to establish that she quit with good cause, and is disqualified from receiving benefits effective October 27, 2024.

DECISION: Order No. 25-UI-282267 is affirmed.

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

DATE of Service: March 7, 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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