

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0092-R

Request for Reconsideration Allowed
EAB Decision 2025-EAB-0092 Adhered to on Reconsideration

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). On March 7, 2025, EAB issued EAB Decision 2025-EAB-0092, affirming Order No. 25-UI-282267. On March 11, 2025, claimant filed a request for reconsideration of 2025-EAB-0092 with EAB. This decision is issued pursuant to EAB's authority under ORS 657.290(3).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). Claimant's request for reconsideration consists of a two-page written narrative explaining the circumstances leading to her decision to quit, two pages of documents relating to the death of her children's father, and four pages of documents relating to claimant's son's medical and academic concerns. Most of the information in these eight pages of documents was not part of the hearing record. The information in one page of these documents is relevant and material to EAB's determination in this matter, and factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing. *See* ORS 657.275(2) and OAR 471-041-0090(1). That document is a form from the Oregon Department of Human Services (DHS) requesting confirmation from claimant's son's physician that claimant was required to provide in-home care for her son for purposes of obtaining public benefits. Although the form itself is dated December 19, 2024, the physician did not sign it until March 11, 2025, more than a month after the hearing was held. Because the completed form was not available until after the hearing, claimant was unable to submit it prior to the hearing due to a factor beyond her reasonable control. The document has therefore been marked and admitted as EAB Exhibit 1. Any party that objects to EAB

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.

admitting EAB Exhibit 1 must send their objection to EAB in writing, explaining 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 exhibit will remain in the record.

As to the remaining seven pages of documents in claimant's request for reconsideration, claimant has not shown either that she was prevented from offering the information contained in them into the hearing record, or that they were relevant and material to EAB's determination in this matter. Per the two pages regarding the death of the father of claimant's children, her children's father died on February 19, 2025. Although claimant obviously could not have submitted this into the hearing record because his death occurred after the hearing, claimant also did not submit evidence into the hearing record to show that his then-poor health was a factor contributing to claimant's decision to quit. Therefore, those two pages, as well as the discussion of his death in the written statement, is not relevant and material to EAB's determination in this matter.

The three pages of academic documents relating to claimant's son are dated March 13, 2024. Even if they are relevant and material to the outcome in this matter, claimant did not show that she was prevented from offering them into evidence at hearing due to factors or circumstances beyond her reasonable control. To the extent that claimant's written statement includes information regarding her son's condition at or prior to the time of her work separation that was not offered into the hearing record, claimant has not shown that she was unable to do so due to factors or circumstances beyond her reasonable control. To the extent that claimant's written statement includes information regarding her son's condition *after* her work separation, she has not shown that this information is relevant and material to the outcome in this matter, as it occurred after the work separation itself.

For the above reasons, and with the exception of the document marked as EAB Exhibit 1, above, EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered any parts of claimant's written statement that were based on the hearing record.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is allowed. On reconsideration, EAB Decision 2025-EAB-0092 is adhered to, as clarified herein.

ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

Claimant filed a request for reconsideration consistent with the requirements set forth in OAR 471-041-0145. The request for reconsideration is therefore allowed. However, claimant did not set forth any information in her request for reconsideration which shows an error of fact or law in EAB Decision 2025-EAB-0092.

As explained above, EAB did not consider the majority of the new information enclosed with claimant's request for reconsideration. Even if EAB did consider all of the information enclosed with the request, however, that information would not change the outcome in this matter. That information largely expands on the circumstances that led to claimant's decision to quit work—namely, her need to provide care to her son who was suffering from a medical condition, as well as similar caregiving needs for one or more other people in claimant's life. As explained in the decision under reconsideration, however, the outcome in this matter primarily turns not on whether the need for claimant to provide care to her son or other persons created a situation of gravity, but on claimant's failure to seek the reasonable alternative of requesting a leave of absence with the employer who had paid leave available. EAB Decision 2025-EAB-0092 at 3. Claimant's request for reconsideration does not show that EAB's conclusion on that point was an error of fact or law.

In her written statement, claimant explained, in relevant part: "I do not think my brain was able to worry about doing paperwork [to request a leave of absence]. I was worried about keeping my loved ones comfortable, out of pain, healthy, and alive. I really did not have the time to focus on doing the paperwork." Claimant's Request for Reconsideration at 1. This explanation is not sufficient to show that claimant would have been unable to complete the paperwork necessary to request a leave of absence with the employer or, for that matter, that a reasonable and prudent person in claimant's circumstances would have concluded that they were unable to do so. As such, claimant's request for reconsideration has not established an error of factor or law in the decision under reconsideration. EAB Decision 2025-EAB-0092 is therefore adhered to on reconsideration.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0092 is adhered to as clarified herein.

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

DATE of Service: April 11, 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.

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>. If you are unable to complete the survey online and wish to have 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 الاستئناف 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

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.