

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0147**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 20, 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 September 1, 2024, through November 29, 2025 (decision # L0007806286). Claimant filed a timely request for hearing. On February 21, 2025, ALJ Ensign conducted a hearing, and on February 27, 2025, issued Order No. 25-UI-284380, modifying decision # L0007806286 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective September 1, 2024, until requalified under Department law. On March 3, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Umpqua Public Transportation District employed claimant as an operations manager from January 24, 2022, through September 4, 2024.

(2) On July 21, 2024, claimant learned that his father, who lived out of state, was hospitalized with a serious medical condition. It was unknown at that time how long claimant's father would remain in the hospital or what care he would need thereafter.

(3) On August 11, 2024, claimant learned that treatment for his father's condition had proven ineffective, and that his father would be discharged from the hospital to his home and would need substantial care. Claimant intended to travel to his father's home to provide that care, as other family members were unable to do so.

(4) On August 15, 2024, claimant gave written notice to the employer of his intent to resign, effective September 4, 2024, so that he could care for his father. Upon receipt of the resignation, the employer's general manager and human resources director asked claimant to reconsider and rescind the resignation.

(5) On August 21, 2024, claimant applied for paid leave benefits through an insurance carrier affiliated with his employer. The claim was approved on August 30, 2024, with an effective period of July 30, 2024, through November 21, 2024.

(6) On August 22, 2024, claimant made a written request to the employer to rescind his resignation, as the paid leave he had applied for would permit him to care for his father. The employer denied the request without explanation, but allowed claimant to work through the notice period stated in his resignation letter.

(7) Claimant stopped working for the employer at the expiration of the notice period, September 4, 2024.

**CONCLUSIONS AND REASONS:** Claimant quit work without good cause.

**Nature of the work separation.** If an employee could have continued to work for the same employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If the employee was willing to continue to work for the same employer for an additional period of time but was not allowed to do so by the employer, the separation is a discharge. OAR 471-030-0038(2)(b).

Claimant moved to sever the employment relationship on August 15, 2024, by submitting a letter of resignation, which the employer initially asked claimant to reconsider. On August 22, 2024, claimant requested to rescind the resignation, which the employer refused without explanation. Claimant therefore desired to continue working beyond the September 4, 2024, effective date of the resignation, but the employer did not permit him to do so. However, a work separation remains a voluntary leaving even if the employer did not formally accept or reject claimant's initial resignation, because rejection of the attempted rescission is effectively an acceptance of the original resignation. *Schmelzer v. Employment Division*, 57 Or App 759, 646 P2d 650 (1982). Therefore, the work separation was a voluntary leaving that occurred on September 4, 2024.

**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 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). "[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) as follows:

\* \* \*

(B) 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[.]

\* \* \*

Claimant gave notice of his resignation because he needed to care for his father in another state, and was the only family member who could do so. While this would otherwise fall within the rule's definition of a "compelling family reason" for quitting work, claimant has not shown that the employer would not accommodate his request for time off, which is required by the rule. To the contrary, the record shows that claimant applied for and was approved to receive paid leave benefits through a private insurer affiliated with the employer, and that the leave would have lasted until at least November 21, 2024. Exhibit 1 at 5. With no work obligations interfering with claimant's ability to leave the state to care for his father, claimant did not have a "compelling family reason" to quit.

Moreover, to the extent that claimant may have believed that he faced a grave situation at the time he resigned because he was unaware of his right to paid leave, he had the reasonable alternative of investigating his leave options prior to submitting a letter of resignation. Claimant was understandably distressed by his father's sudden onset of health problems and poor prognosis at the time he submitted the resignation letter, which likely played a role in claimant failing to explore this alternative. Nevertheless, good cause for quitting work can be found only when a reasonable alternative is unavailable, which is not the case here. Accordingly, claimant quit work without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving unemployment insurance benefits effective September 1, 2024.

**DECISION:** Order No. 25-UI-284380 is affirmed.

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

**DATE of Service:** March 31, 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 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.

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