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EO: Intrastate  
BYE: 25-May-2024

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

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MC 010.05  
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<p><b>EMPLOYMENT APPEALS BOARD DECISION</b> <b>2025-EAB-0177</b></p>
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*Modified*  
*Late Request for Hearing Allowed*  
*No Disqualification*  
*No Overpayment*

**PROCEDURAL HISTORY:** On October 1, 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 September 24, 2023, through May 25, 2024, and assessing an overpayment of \$3,674 in benefits that claimant was required to repay to the Department (decision # L0006425086). On October 21, 2024, decision # L0006425086 became final without claimant having filed a request for hearing. On February 13, 2025, claimant filed a late request for hearing on decision # L0006425086. On March 11, 2025, ALJ Janzen conducted a hearing at which the employer failed to appear. On March 12, 2025, ALJ Janzen issued Order No. 25-UI-285756, allowing claimant's late request for hearing on decision # L0006425086; and modifying that decision by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective September 24, 2023 and until requalified under Department law, and that claimant was overpaid \$3,674 in benefits that he was required to repay to the Department via deduction from future benefits.<sup>1</sup> On March 20, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant filed written arguments on March 20 and March 25, 2025. EAB did not consider claimant's March 20, 2025, written argument because claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The March 20, 2025, argument also contained information that was not part of the hearing record. In his March 25, 2025, argument, claimant requested that EAB consider the new information submitted

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<sup>1</sup> The order under review stated that claimant was disqualified from benefits effective September 23, 2023. This date appears to be error, however, as September 23, 2023, was a Saturday, and benefit denials begin on the Sunday of the effective week. Order No. 25-UI-285756 at 6. As such, it is presumed that the order under review intended to deny claimant benefits effective September 24, 2023.

with his earlier argument. Claimant's March 25, 2025, Written Argument at 2–3. EAB did not consider the new information in claimant's March 20, 2025, argument because it was not relevant and material to EAB's determination of whether claimant voluntarily quit with good cause. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019). EAB considered any parts of claimant's March 25, 2025, argument that were based on the hearing record.

EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 25-UI-285756 allowing claimant's late request for hearing. That part of Order No. 25-UI-285756 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) On May 28, 2023, claimant filed an initial claim for unemployment insurance benefits.

(2) Artech Information Systems, LLC employed claimant as a “culture monitor” from early summer 2023 through September 29, 2023. Transcript at 26.

(3) Claimant's job with the employer was temporary in nature. The job was initially expected to last for one to two months. However, due to various developments at the jobsite, the job ran for approximately six additional weeks.

(4) In or around September 2023, the employer notified claimant that the job was winding down. The employer also began scheduling claimant to work alternating weeks with one of his coworkers, effectively cutting claimant's hours in half. Around the same time, claimant, working with a vocational rehabilitation organization, learned that the organization would pay for him to attend a training program to obtain a commercial driver's license (CDL) so that claimant could become a truck driver. The employer also encouraged claimant to pursue getting a CDL and told him that they might be able to employ him as a driver in the future if he did so. Claimant also received support for this course of action from representatives at a WorkSource Oregon office. Claimant subsequently enrolled in a CDL training program that was to begin on October 2, 2023.

(5) On September 20, 2023, claimant reopened his claim by filing an “additional claim.”<sup>2</sup>

(6) On September 25, 2023, a Department representative entered into claimant's claim the following comment: “TUI INFORMAL ALLOW DEC 161433 160 DRIVING CDL WEEKS APPROVED 40-23 TO 44-23 DLF 84 CERT OF COMP”.<sup>3</sup>

(7) On September 29, 2023, claimant separated from employment with the employer. On October 2, 2023, claimant began the CDL training program in which he had enrolled.

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<sup>2</sup> See OAR 471-030-0040(1)(c) (January 11, 2018).

<sup>3</sup> EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to our taking notice of this information 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 noticed fact will remain in the record.

(8) Claimant claimed benefits for the weeks of October 1, 2023, through December 16, 2023 (weeks 40-23 through 50-23). These are the weeks at issue. The Department paid claimant benefits for all of the weeks at issue. At least some of the weeks at issue were paid under the Department's Training Unemployment Insurance (TUI) program.<sup>4</sup>

(9) On October 1, 2024, the Department issued decision # L0006425086, concluding, in relevant part, that claimant was not eligible for benefits for any of the weeks at issue because he had voluntarily quit work without good cause, and therefore was overpaid \$3,674 in benefits that he was required to repay to the Department. Exhibit 1 at 1.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work with good cause. Claimant was not overpaid benefits and is not required to repay benefits to the Department.

**Nature of the Work Separation.** If the 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 is willing to continue to work for the same employer for an additional period of time but is not allowed to do so by the employer, the separation is a discharge. OAR 471-030-0038(2)(b).

At hearing, claimant questioned the assertion that he voluntarily quit work, testifying, for instance, "So I'm not sure it was a quit the job. It was a... decision that was made through Klamath WorkSource which I worked... with them to... get... what was necessary to leave[.]" Transcript at 21. Nevertheless, claimant also testified that he was "not sure how much longer" the job with the employer would have lasted if he had not started the CDL training program when he did, and that he "wouldn't have left" if not for the support and agreement of the vocational rehabilitation organization and other parties involved. Transcript at 32, 33. These statements, when read with the rest of the record, indicate that although the job was scheduled to end soon, the employer would have had at least some continuing work available for claimant at the time claimant quit, had he wished to continue with it. Therefore, the preponderance of the evidence supports the conclusion that claimant chose to leave the job before it ended to start the CDL training program. As such, claimant was effectively unwilling to continue working for the employer for an additional period of time when work remained available to him, and the work separation is therefore properly considered to be a voluntary quit.

**Voluntary Quit.** 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

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<sup>4</sup> At hearing, the Department's representative testified that the weeks at issue were paid under the TUI program. Transcript at 14. However, Department records contain comments in claimant's claim from November 14, 2023, stating, "INACT D LF-84/TUI APPROVED TRNG ENDED WK 44-23 [the week of October 29, 2023, through November 4, 2023]," "RETURNED TO FO 200/COMPLETED TUI APPROVED TRNG WK 44-23", and "TUI BENEFITS END LTR TO CLMT." These suggest that claimant may have completed his training during that week, and that he was paid regular unemployment insurance (regular UI) benefits during the remaining weeks at issue.

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)(b)(D), leaving work without good cause includes leaving to attend school, unless required by law.

ORS 657.335 states, in relevant part:

(1) “Career and technical training” means training or retraining and basic education, including literacy skills, designed to prepare individuals for gainful employment in recognized or new occupations or to prepare individuals to become self-employed. “Career and technical training” does not include programs of instruction for an individual, including transfer credit programs of instruction given at community colleges, that are primarily intended to lead toward a baccalaureate or higher degree or training that has for its purpose the preparation of individuals for employment in occupations that require a baccalaureate or higher degree from institutions of higher education unless approved by the Director of the Employment Department.

(2) “Eligible dislocated workers” means individuals who are not disqualified from benefits under ORS 657.176 and who:

(a) Have been terminated or laid off or who have received a notice of termination or layoff, are eligible for or have exhausted their entitlement to unemployment compensation and are unlikely to return to their previous industry or occupation;

(b) Have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility or enterprise;

\* \* \*

ORS 657.340(1) states, “**Dislocated workers approved for career and technical training may not be denied unemployment insurance benefits** solely because they are attending career and technical training, nor shall such individual be denied benefits **by reason of leaving work to enter such training if the work left was part-time or temporary** or paid less than 80 percent of the individual’s average weekly wage during the base year.” (emphasis added)

The record shows that claimant voluntarily quit work, shortly prior to the end of the job, to enter a CDL training program and become a truck driver. The order under review concluded that this did not constitute good cause for quitting, reasoning that “[b]ecause claimant left his job to attend a training program, claimant did not establish good cause under OAR 471-030-0035(5)(b)(D).” Order No. 25-UI-285756 at 5. The record does not support this conclusion.

Instead, the record shows that claimant was approved for benefits under the Training Unemployment Insurance (TUI) program (termed the “Dislocated Worker Program” under ORS 657.335 *et. seq.*) on or around September 25, 2023, as the note entered into claimant’s claim on that date indicates. Claimant testified he quit work to attend the CDL training program which began on October 2, 2023, and that he

would not have quit had he not had the permission to do so through the Employment Department. Transcript at 27, 33. Additionally, claimant's job with the employer was temporary in nature, as he only worked for them for approximately three months, and it was scheduled to conclude some time shortly after he quit. Therefore, claimant's circumstances meet the requirements of ORS 657.340(1): he was approved for career and technical training, and left temporary work to enter into that training. As such, notwithstanding OAR 471-030-0038(5)(b)(D), claimant cannot be disqualified from benefits because ORS 657.340(1) applies to his circumstances. Therefore, claimant voluntarily quit with good cause, and is not disqualified from receiving benefits based on the work separation.

**Overpayment.** The order under review concluded that claimant was overpaid benefits for the weeks at issue on the basis of having voluntarily quit without good cause. Order No. 25-UI-285756 at 6. However, as explained above, the record shows that claimant had good cause for quitting. As this was the only apparent basis for concluding that claimant was not eligible for benefits for the weeks at issue, the record shows that claimant *was* eligible for benefits for the weeks at issue, and therefore was not overpaid benefits for those weeks. As such, claimant is not liable to repay any of the benefits he received for the weeks at issue.

**DECISION:** Order No. 25-UI-285756 is modified, as outlined above.

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

**DATE of Service:** April 25, 2025

**NOTE:** This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

**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.

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

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Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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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.