

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0215**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On February 19, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause, disqualifying claimant from receiving benefits effective September 29, 2024 (decision # L0009492979).<sup>1</sup> Claimant filed a timely request for hearing. On March 14, 2025, ALJ Enyinnaya conducted a hearing, and on March 21, 2025 issued Order No. 25-UI-286939, affirming decision # L0009492979. On April 2, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered claimant's argument in reaching this decision.

Claimant argued that "OAR 471-030-0038(5)(b)(G) states that an applicant can be denied unemployment insurance benefits for separating from an employer to become self-employed, but it [does] not state that an applicant must be denied." Claimant's Argument at 2. The provision cited by claimant states, "Leaving work without good cause includes, but is not limited to: [l]eaving work for self employment[.]" OAR 471-030-0038(5)(b)(G) (September 22, 2020). While this provision does not specifically call for the denial of benefits, it prevents a finding of "good cause" for leaving work when an individual did so to engage in self-employment. Further, the rule must be considered along with ORS 657.176(2)(c), which provides, "An individual *shall* be disqualified from the receipt of benefits [if]. . . the individual [v]oluntarily left work without good cause." (emphasis added). In combination, the statute and rule compel a disqualification from benefits when a person voluntarily quits work for self-employment, as claimant admittedly did. *See, e.g.,* Claimant's Argument at 2.

<sup>1</sup> Decision # L0009492979 stated that claimant was denied benefits from January 26, 2025 to January 24, 2026. However, because decision # L0009492979 concluded that claimant quit on September 30, 2024, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 29, 2024 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

Claimant further argued that disqualifying an individual from benefits because they voluntarily left work for self-employment is inconsistent with the principles supporting the existence of the Self-Employment Assistance (SEA) program. Claimant's Argument at 2. This argument is also unpersuasive. The SEA program allows the Department to modify some eligibility requirements involving availability for work and actively seeking work for claimants who are otherwise eligible to receive benefits, so that they can pursue self-employment ventures. *See* OAR 471-030-0235 (December 8, 2019). It can reasonably be inferred that the purpose of the program is to assist *already unemployed* claimants in becoming re-employed more rapidly by expanding the opportunities they may pursue beyond seeking traditional subject employment while receiving benefits. In contrast, the disqualification from benefits mandated by ORS 657.176(2)(c) and OAR 471-030-0038(5)(b)(G) for an individual who voluntarily left work to pursue self-employment deals with the circumstances leading directly or indirectly to them *becoming unemployed*, specifically that they left suitable subject employment for work that is not subject to unemployment insurance contributions. These provisions serve different purposes and are not incompatible with each other.

Finally, claimant suggested that notwithstanding ORS 657.176(2)(c) and OAR 471-030-0038(5)(b)(G), she had good cause to quit work for self-employment because that opportunity offered superior compensation to her work for the employer and otherwise would have caused a reasonable and prudent person to leave work to accept the opportunity. *See* Claimant's Argument at 2-3. Claimant's decision to quit work is understandable in that regard, as is her displeasure with the unfortunate and unforeseen circumstances that prevented her planned self-employment from coming to fruition. However, as previously stated, ORS 657.176(2)(c) and OAR 471-030-0038(5)(b)(G) categorically preclude a finding of good cause under the circumstances, and mandate a disqualification from benefits, despite what a reasonable and prudent person would do in the situation. Therefore, this argument also fails.

EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with Order No. 25-UI-286939's findings of fact, reasoning, and conclusion that claimant voluntarily quit work without good cause. Order No. 25-UI-286939 is **adopted**. *See* ORS 657.275(2).

**DECISION:** Order No. 25-UI-286939 is affirmed.

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

**DATE of Service:** May 9, 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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