

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0250**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On February 25, 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 beginning March 24, 2024 (decision # L0009388123).<sup>1</sup> Claimant filed a timely request for hearing. On March 31, 2025, ALJ Parnell conducted a hearing, and on April 7, 2025, issued Order No. 25-UI-288719, reversing decision # L0009388123 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On April 25, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Lowe's Home Centers, LLC employed claimant as a curbside fulfillment associate from October 2022 through March 30, 2024.

(2) In February 2024, claimant's elderly parents, who lived in California, were experiencing health problems. Claimant's mother was awaiting surgery, and both parents needed assistance with their activities of daily living. At that time, claimant was working a second job in addition to his work for the employer. The combined wages from these jobs were insufficient for claimant to pay rent for his residence in Oregon. Based on these circumstances, claimant decided that he would quit working for the employer at the end of March 2024 and move to his parents' home to care for them.

(3) On February 21, 2024, claimant emailed the employer that he intended to resign, effective March 31, 2024. Claimant did not request a transfer to a store near his parents' home in California, though such a transfer may have been possible, because the time he needed to devote to caring for his parents would

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<sup>1</sup> Decision # L0009388123 stated that claimant was denied benefits from February 2, 2025 to January 31, 2026. However, as decision # L0009388123 found that claimant quit on March 30, 2024, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 24, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

not have allowed for other work. Claimant did not request a leave of absence from the employer because his parents' need for care was ongoing and indefinite, and returning to Oregon following such a leave was not financially feasible.

(4) On March 30, 2024, claimant quit working for the employer and shortly thereafter moved to his parents' home to provide care for them.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work with 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) 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; or

\* \* \*

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 working for the employer to move to his parents' home in California to provide care for them. Under OAR 471-030-0038(5)(g)(B), this could constitute "compelling family reasons." However, claimant did not request time off from work, and the record therefore does not show that the employer failed to accommodate such a request. Thus, while good cause does not exist under the provisions of OAR 471-030-0038(5)(g), the standard good cause analysis applies.

Claimant's parents were elderly and his mother was undergoing medical treatment that necessitated assistance with activities of daily living that his father could not provide alone. The record does not show that anyone aside from claimant could reasonably provide this care. Though claimant did not request a leave of absence from the employer, it is reasonable to infer from the record that this was because his parents' need for care was indefinite and would likely have exceeded any period allowed by

the employer, and because such a leave would have caused claimant additional financial hardship. Claimant therefore faced a grave situation.

Furthermore, claimant had no reasonable alternative to leaving work. Claimant did not seek transfer to another of the employer's stores near his parents' home because the time he needed to devote to his parents' care would not allow him to simultaneously work for the employer. Claimant did not seek a leave of absence because his parents' need for care was expected to continue indefinitely. Moreover, as claimant struggled to pay rent for his residence in Oregon while working for the employer and a second job, returning to Oregon after an extended leave of absence would have been financially infeasible, if not impossible. These were therefore not reasonable alternatives. Accordingly, claimant had no reasonable alternative to leaving work, and quit with good cause.

For these reasons, claimant quit work with good cause and is not disqualified from receiving benefits based on the work separation.

**DECISION:** Order No. 25-UI-288719 is affirmed.

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

**DATE of Service:** May 29, 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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