

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0279**

*Modified*  
*Disqualification Effective April 14, 2024*

**PROCEDURAL HISTORY:** On March 11, 2025, 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 from April 14, 2024, through February 7, 2026 (decision # L0009669959). Claimant filed a timely request for hearing. On April 23, 2025, ALJ Honea conducted a hearing, and on April 24, 2025, issued Order No. 25-UI-290553, modifying decision # L0009669959 by concluding that claimant quit work without good cause and therefore was disqualified from receiving benefits effective May 26, 2024, and until requalified under Department law. On May 7, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Fred Meyer Stores, Inc. employed claimant as an overnight stocker at one of their retail stores from June 26, 2022, through April 14, 2024.

(2) On or around February 13, 2024, claimant approached her store's human resources (HR) manager and requested a medical leave of absence for an upcoming minor surgery. Claimant told the HR manager that she did not know when she would return to work from the leave of absence. Around the same time, claimant learned that medical leaves of absence were handled by the employer's third-party administrator, MetLife, and that she would have to contact MetLife to formally request the leave of absence. Claimant attempted to contact MetLife, but was not able to reach them. Claimant did not tell the employer that she had been having difficulty contacting MetLife or otherwise request help from the employer.

(3) On February 13, 2024, claimant worked her final shift for the employer. Shortly thereafter, claimant underwent her surgery as planned. Claimant never contacted the employer after February 13, 2024.

(4) On April 14, 2024, claimant moved from Oregon to Nevada to live with her sister. Claimant moved to help her sister with tasks such as household organization and taking care of her sister's dog. Claimant

did not move in with her sister to provide care to her sister, or any other person, who was suffering from a medical condition. At the time she moved, claimant did not intend to return to Oregon.

(5) On April 19, 2024, the HR manager sent claimant a letter regarding her leave of absence, which had still not been approved because claimant did not start the process with MetLife or complete the required paperwork. The letter indicated that the employer would consider claimant to have resigned if she did not respond within 14 days. Claimant did not respond to the letter, and the employer subsequently determined that claimant separated from work effective May 28, 2024. Had claimant completed the leave-request process as the employer required, the employer would have permitted claimant to continue working for them.

**CONCLUSIONS AND REASONS:** Claimant quit work without good cause and is disqualified from receiving benefits effective April 14, 2024.

**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, the employer's witness testified that the employer considered claimant to have quit because she did not respond to their request to complete the leave-request process and did not "return from an unapproved leave of absence." Transcript at 14, 17. The employer further testified that claimant was separated from employment on May 28, 2024. Transcript at 14. However, while the record shows that claimant quit, it shows that she did so at an earlier time.

Claimant did not explicitly testify that she quit. Nevertheless, the record shows that she became unwilling to continue working for the employer when, on April 14, 2024, she moved to a different state with no intention of returning to Oregon. By contrast, while the employer might have eventually decided that they were unwilling to continue employing claimant, as she had not responded to their letter or otherwise completed the necessary leave-request process, the fact that they sent the letter on April 19, 2024, shows that they were still willing to employ claimant at that time. Claimant therefore severed the employment relationship when she moved to Nevada on April 14, 2024, and the work separation was thus a voluntary leaving that occurred on that date.

**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). "[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.

Claimant quit work to move to Nevada and live with her sister, in order to assist her sister with household tasks and pet care. Claimant did not indicate that she quit work for other reasons, such as complications related to her medical condition. Thus, despite the fact that claimant was on a leave of absence for medical reasons for approximately two months prior to quitting, her surgery apparently was unrelated to her decision to quit.

At hearing, claimant gave little information about her decision to move to Nevada beyond her explanation that she was helping her sister with household matters. Although claimant's desire to help her family is understandable, she did not meet her burden to show that remaining in Oregon and continuing to work for the employer was not a reasonable alternative to quitting and moving to Nevada.<sup>1</sup> Because claimant failed to show she had no reasonable alternative but to quit, she failed to establish that she quit work with good cause, and she is disqualified from receiving benefits effective April 14, 2024.

**DECISION:** Order No. 25-UI-290553 is modified, as outlined above.

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

**DATE of Service:** June 10, 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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<sup>1</sup> Additionally, while claimant moved to help a family member, this did not constitute a "compelling family reason" under OAR 471-030-0038(5)(g) because, among other reasons, claimant was not caring for a family member who was suffering from an illness or disability. See OAR 471-030-0038(1)(e), (f).



# 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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