

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0309

Reversed
Disqualification

PROCEDURAL HISTORY: On October 25, 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 beginning August 25, 2024 (decision # L0006759233).¹ Claimant filed a timely request for hearing. On May 8, 2025, ALJ Murdock conducted a hearing, and on May 14, 2025, issued Order No. 25-UI-292275, reversing decision # L0006759233 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the quit. On May 27, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered the employer's argument in reaching this decision.

FINDINGS OF FACT: (1) Grow Developmental Disability Solutions, LLC employed claimant as a direct support worker from January 24, 2023, to August 30, 2024.

(2) Claimant took the job specifically to care for his brother, who was one of the employer's clients. Claimant did not provide care for any other client. Though claimant sometimes worked 40 or more hours per week, during the last ten weeks of his employment he averaged 16 hours of work per week.

(3) On August 23, 2024, claimant's brother's behavior caused claimant to call the police. This led to his brother's state-assigned caseworker placing him temporarily in a motel, then permanently in a group home. Claimant's brother no longer required the employer's services because of these changes. After

¹ Decision # L0006759233 stated that claimant was denied benefits from September 1, 2024, to August 30, 2025. However, as decision # L0006759233 concluded that claimant quit on August 26, 2024, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, August 25, 2024, and until he earned four times his weekly benefit amount. *See* ORS 657.176.

August 23, 2024, the employer wanted claimant to continue working for them by caring for other clients, but claimant was reluctant to discuss the details of doing so.

(4) On August 26, 2024, claimant emailed the employer requesting to “use all of [his] vacation time” while he “figure[s] out what to do next.” Exhibit 1 at 1. The employer replied that they did not offer paid time off except for accrued sick leave, and that his stated reason for wanting time off likely did not qualify to use that type of leave. Claimant expressed displeasure at these policies, while over the following day the employer continued to ask claimant to decide whether he wanted to continue his employment by working with other clients or submit his resignation.

(5) Claimant assumed, correctly, that if he wanted full-time hours, he would have to work with more than one client. He also assumed, because he lived in an isolated, sparsely populated area, that the clients would live far from him and each other. Claimant believed that the cost of commuting to or between any clients, or transporting them as needed, would not be fully reimbursed by the employer and he therefore would “have been unnecessarily running [his] car into the ground” by hastening the need for repairs he could not afford. Transcript at 9. Claimant did not discuss with the employer which specific clients were available for him to work with, where they were located, or the details of the employer’s mileage reimbursement policy.

(6) Due to claimant’s assumptions about the terms of his continued employment and the employer declining to grant claimant paid leave while he considered or explored these options, claimant did not substantively respond to the employer’s requests to either engage in discussions about working with other clients or submit his resignation. After a final emailed request from the employer in this regard on August 30, 2024, went unanswered, the employer considered claimant to have resigned as of that date. Claimant did not work for the employer thereafter.

CONCLUSIONS AND REASONS: Claimant quit work without 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.

Claimant quit work because he believed that the “transportation compensation” provided for working with other clients “would [not] have been enough to handle the . . . strain on [his] vehicle,” and he “didn’t feel appreciated at that point” because the employer declined to grant him paid vacation leave while he considered his options.² Transcript at 44. The order under review concluded that claimant had

² Though claimant refused repeated requests from the employer to submit a resignation, his refusal to accept the employer’s offer of continuing work with other clients evinced that he was unwilling to continue in the employment relationship as of August 30, 2024. The nature of the work separation is therefore a voluntary leaving. See OAR 471-030-0038(2)(a) (“If the

no reasonable alternative but to leave work after his brother was no longer the employer's client because "[c]ontinuing to work with other clients. . . would mean excessive driving" in a vehicle that was in "poor or unreliable condition." Order No. 25-UI-292275 at 3. The record does not support this conclusion.

To the extent claimant quit work because the employer did not offer paid vacation leave, this did not constitute a grave situation. Claimant had worked for the employer for 19 months at that point, and it should therefore have been unsurprising to him that he had not accrued any paid vacation leave since the employer did not offer such leave as a matter of policy. The record shows that claimant had accrued paid sick leave that the employer was willing to grant claimant in accordance with policy. However, the employer told claimant that they did not understand his request for time off to involve his mental health or his health generally, as necessary to grant leave under the policy, and claimant did not restate his request as involving a qualifying reason after receiving the employer's response. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work because their employer did not grant them paid leave while they considered whether to continue working for their employer.

To the extent claimant quit work due to his concerns about the driving that could be involved in working with one or more new clients, this also did not constitute a grave situation. Claimant began working for the employer specifically to care for his brother, and at that time, claimant expected to work exclusively with his brother. When claimant's brother no longer required the employer's services, claimant's remaining option for maintaining the employment relationship of working with different clients would have constituted a significant change. However, claimant's objection was not to the nature of working with different clients, but of the increased costs and wear to his vehicle he believed would be associated with such work. Claimant's belief was based on several assumptions, including that he would have multiple clients, they would live far from him and each other, and that the employer would not adequately reimburse him for the costs of fuel and vehicle wear.

Claimant suggested that he would need more than one client to be offered full-time work hours, which the employer did not rebut. The employer's records showed that claimant worked an average of 16 hours per week for the final ten weeks of his employment, and their witness testified that a single client would have provided claimant with that many hours of work each week. Transcript at 36-37. Claimant and the employer agreed that the area where claimant lived was remote and sparsely populated, and claimant therefore assumed that the nearest available client would be a significant distance from his home. Because claimant failed to engage in discussions with the employer about taking on other clients, the employer did not gather information about any specific client to offer as an option to claimant, but their witness testified that they had clients in the "vast majority of Oregon" and did not express agreement with claimant's assumption that no available clients lived within a reasonable commuting distance of claimant. Transcript at 37-28. Claimant described his vehicle as in "poor condition" due to lacking funds to maintain it, and believed based on the long distances he drove his brother in connection with work that it "just wasn't practical" to continue to work for the employer with one or more new clients due to the required driving. Transcript at 9, 11. The employer's witness testified that claimant had been approved to drive his brother up to 800 reimbursed miles per month and that the cap on reimbursed

employee could have continued to work for the same employer for an additional period of time the separation is a voluntary leaving of work.")

mileage varied by client, which claimant contended was previously unknown to him but was “also not that surprising.” Transcript at 40-41.

Under these circumstances, claimant may eventually have faced a grave situation, depending on a number of factors. If the only clients offered to claimant lived so far away that commuting would be impractical, he was required to transport a client significant distances without mileage reimbursement, or his vehicle became undrivable, the situation might cause a reasonable and prudent person to leave work. However, at the time claimant quit work, none of these possible scenarios had occurred or were more likely than not to occur.³ Claimant refused to engage in discussions with the employer to determine which clients were available for him to work with, where they were located, and the terms of mileage reimbursement. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would at least determine these specifics before deciding whether to leave work, and not simply assume the worst case scenario would come to pass. Therefore, claimant did not demonstrate that at the time he quit, he faced a situation of such gravity that he had no reasonable alternative but to leave work. Accordingly, claimant left work without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective August 25, 2024.

DECISION: Order No. 25-UI-292275 is set aside, as outlined above.

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

DATE of Service: July 1, 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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³ Claimant testified that his vehicle “stopp[ed] working” two months after the work separation. Transcript at 8-9. However, the good cause analysis focuses on the circumstances as they existed at the time of the work separation, and not at some other time. *Roadhouse v. Employment Department*, 283 Or App 859, 391 P3d 887 (2017) (the relevant period to analyze whether an individual left work with good cause is the date the individual left work, not when the individual gave notice or another prior date).



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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