

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0320

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 1, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and therefore was denied unemployment insurance benefits from February 23, 2025, to February 28, 2026 (decision # L0010054012).¹ Claimant filed a timely request for hearing. On May 21, 2025, ALJ Honea conducted a hearing, and on May 29, 2025, issued Order No. 25-UI-293474, modifying decision # L0010054012 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective February 23, 2025, until requalified. On June 2, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record.

FINDING OF FACTS: (1) Commercial Property Resources LLC employed claimant from October 10, 2022, until February 28, 2025.

(2) In November 2024, claimant's mother was diagnosed with cancer. Thereafter, it became claimant's responsibility to transport her mother to medical appointments and otherwise act as a caretaker for her mother. Claimant had no family members or anyone else who could help take care of her mother.

¹ Decision # L0010054012 stated that claimant was denied benefits from February 23, 2025, to February 28, 2026. However, decision # L0010054012 should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 23, 2025, and until she earned four times her weekly benefit amount. See ORS 657.176.

(3) On November 15, 2024, claimant began a paid family leave of absence to assist her mother under the Paid Leave Oregon program. Shortly after the leave began, the employer received notice of claimant's leave from the Department.

(4) On December 2, 2024, claimant's manager sent claimant a text message asking whether claimant intended to return to work after her leave of absence ended. Claimant did not respond to the text message.

(5) On February 28, 2025, claimant's leave of absence under Paid Leave Oregon ended. The same day, claimant decided to quit working for the employer.

(6) On February 28, 2025, claimant quit working for the employer. On that date, she emailed her manager, "I . . . am resigning from my position at Commercial Property Resources due to my mother's medical condition. I hope you can understand why I'm resigning. My last day is today, 2/28 of 2025." Audio Record at 11:18.

(7) Prior to going on leave, claimant worked full-time for the employer. Before resigning, claimant did not inquire with the employer about whether she could work a part-time or modified schedule after her leave ended that would enable her to meet her responsibilities to her mother while also allowing her to continue to work for the employer.

(8) Claimant's manager intended to allow claimant to work part-time "when she could fit it in between appointments and caring for her mother." Audio Record at 20:15. The manager did not convey that information to claimant because she planned to do so when claimant returned to the office in person. The manager did not offer the modified work schedule to claimant when she received claimant's February 28, 2025, resignation email because she "didn't think that [claimant] wanted to talk to [her]" due to claimant having previously failed to respond to the manager's December 2, 2024, text message.

(9) Claimant did not know that the option to work part-time "when she could fit it in" would be available to her after the leave of absence ended because she did not inquire about it. Audio Record at 20:15. If claimant had asked her manager about the possibility of working part-time, the manager "absolutely" would have offered it to claimant. Audio Record at 21:25.

CONCLUSIONS AND REASONS: Claimant voluntarily left 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 voluntarily quit work without good cause. The record suggests that claimant's circumstances on February 28, 2025, were grave. On that date, her leave of absence to assist her mother ended. Claimant's mother had cancer and it was claimant's responsibility to transport her mother to medical appointments and otherwise act as a caretaker for her. No family members or anyone else could help take care of claimant's mother. Claimant's return to full-time work would naturally interfere with claimant's responsibilities to take care of her ill mother.

However, claimant failed to pursue the reasonable alternative of working a part-time or modified schedule upon her return to work that would allow her to work while accommodating her responsibilities to her mother. The record shows that claimant's manager intended to allow claimant to work part-time "when she could fit it in between appointments and caring for her mother." Audio Record at 20:15. If claimant had asked her manager about the possibility of working part-time, the manager "absolutely" would have offered it to claimant. Audio Record at 21:25. Claimant could have responded to the manager's December 2, 2024, text message and inquired at that time about the possibility of working a modified schedule when her leave ended. Claimant also could have first inquired about that possibility when emailing the manager on February 28, 2025, rather than resigning with immediate effect. Thus, claimant did not prove that she quit work for a reason of such gravity that she had no reasonable alternative but to leave work because the reasonable alternative of working a part-time or modified schedule that would allow her to work while accommodating her responsibilities to her mother was available to claimant but was not pursued.

Accordingly, claimant voluntarily left work without good cause and is disqualified from receiving unemployment insurance benefits effective February 23, 2025.

DECISION: Order No. 25-UI-293474 is affirmed.

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

DATE of Service: June 30, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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