

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0403

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 29, 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 effective November 17, 2024 (decision # L0010579834).¹ Claimant filed a timely request for hearing. On June 10, 2025, ALJ Hall conducted a hearing, and on June 18, 2025, issued Order No. 25-UI-295333, affirming decision # L0010579834. On July 5, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) Stericycle, Inc. employed claimant as a "shred tech" from June 12, 2023 through November 21, 2024. Transcript at 4.

(2) The employer operated a mobile shredding service. Claimant's duties required him to drive one of the employer's trucks to customers' sites, where he would gather their materials to be shredded and shred them in the truck.

(3) For the duration of his employment, claimant had been assigned to a route which required him to drive from his home in the Eugene, Oregon area to the Bend, Oregon area every other week. For the

¹ Decision # L0010579834 stated that claimant was denied benefits from November 17, 2024 to November 15, 2025. However, decision # L0010579834 should have stated that claimant was disqualified from receiving benefits beginning November 17, 2024 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

weeks when he traveled to the Bend area, claimant would drive into Bend on Sunday night, work shifts on Monday and Tuesday, and then drive home on Tuesday after completing the route. Although claimant owned a dog who required daily care, his girlfriend agreed to take care of the dog while claimant was out of town for work.

(4) On November 14, 2024, claimant called his supervisor because he had finished his route early and wanted to see if any of the other drivers needed help. During the call, claimant's supervisor offered to claimant the option of moving to a different route, which would have him working in southern Oregon and on the Oregon coast instead of Bend. The supervisor did not tell claimant that he would be required to work the new route, and claimant could have stayed with the route he had been assigned to if he had wished. Instead, the supervisor offered the new route to claimant as a way to address claimant's earlier request that he no longer be required to drive out of town on Sundays. Despite this, claimant believed that the supervisor had issued him an ultimatum, and that if he did not accept the new route he would be discharged. Claimant, frustrated with the call, did not ask the supervisor to elaborate on what he told claimant.

(5) After the call, claimant realized that the new route would require him to be away from his dog for more time, and attempted to find someone who could care for the dog while claimant was away. Claimant spoke with his girlfriend, his mother, and three different dog-boarding businesses, but was unable to find anyone who could work with what his schedule would be on the new route. As such, claimant decided to resign.

(6) On November 16, 2024, claimant received an invitation to attend an "orientation" with another employer on November 25, 2024. Transcript at 25. Claimant had not been offered a job by this other employer. Rather, it was an "orientation to get a new job." Transcript at 25. Claimant accepted the invitation.

(7) On November 18, 2024, claimant gave the employer notice that he intended to quit on November 21, 2024. On November 21, 2024, claimant worked his final shift for the employer, and then quit because he was unable to work the new route that the employer had proposed. Claimant never asked the supervisor for further clarification on whether he would be required to drive the new route.

(8) On November 25, 2024, claimant attended the "orientation" as planned, but did not receive a job offer.

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 on November 21, 2024 after having spoken to his supervisor about a potential change in driving routes a week prior. As a preliminary matter, while claimant received an invitation to attend an “orientation” to potentially receive a job offer from another employer after the call with his supervisor, the record shows that the proximate cause of claimant’s decision to quit was the potential route change, not the potential job offer elsewhere. At hearing, claimant testified that the potential job offer did not persuade him to quit more than the potential new route with the employer. Transcript at 26. Additionally, claimant’s unsuccessful attempts to find people to care for his dog if he began the new route suggests that he had seriously considered accepting the new route, and that he decided not to drive the new route because he was unable to find such coverage. Given this, the record shows that the proximate cause of claimant’s decision to quit was his belief that he would be required to drive the new route.

If claimant’s belief that he would be required to drive the new route was correct, he would likely have faced a grave situation, as he would not have been able to find sufficient coverage to care for his dog. However, the parties offered differing testimony on whether claimant was required to drive the new route. At hearing, claimant testified that his supervisor told him that claimant would have to drive the new route “indefinitely” and that claimant would have to comply “or else,” which claimant understood to mean that he would be discharged if he did not comply. Transcript at 11. By contrast, the supervisor testified that driving the new route was optional, and had been offered to claimant as a potential solution for the fact that claimant had earlier requested to no longer have to drive out of town on Sundays. Transcript at 17. The supervisor likewise testified that “nothing was set in stone” regarding claimant’s route by the end of the conversation on November 14, 2024. Transcript at 18. Neither of the parties offered corroborating evidence to support their version of events. As such, the evidence on whether claimant would have been required to drive the new route is equally balanced. Thus, claimant has not met his burden to show that his version of events is accurate, and the facts, where conflicting, have been found in accordance with the employer’s testimony.

Because the record shows that driving the new route was optional, claimant has not shown that he faced a situation of such gravity that he had no reasonable alternative but to quit, as he likely could have continued driving the route to which he had already been assigned. To be clear, claimant’s actions in attempting to secure alternate arrangements for his dog suggests that he genuinely, if mistakenly, believed that the new route was mandatory. Assuming this to be the case, though, claimant had the reasonable alternative of simply speaking to his supervisor again and confirming what his options were before quitting. Because he did not do so, and because he most likely would have been allowed to continue driving the same route regardless, claimant did not quit for a reason of such gravity that he had no reasonable alternative but to quit.

For the above reasons, claimant quit work without good cause and is disqualified from receiving benefits effective November 17, 2024.

DECISION: Order No. 25-UI-295333 is affirmed.

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

DATE of Service: August 11, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.