

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0446**

*Affirmed*  
*Late Request for Hearing Allowed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 20, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective November 3, 2024 (decision # L0007829141).<sup>1</sup> On January 9, 2025, decision # L0007829141 became final without claimant having filed a request for hearing. On February 21, 2025, claimant filed a late request for hearing on decision # L0007829141. ALJ Kangas considered claimant's request, and on March 25, 2025, issued Order No. 25-UI-287237, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 8, 2025. On April 5, 2025, claimant filed a timely response to the appellant questionnaire. On April 18, 2025, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-287237 was vacated and that a hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of decision # L0007829141. On July 9, 2025, ALJ Frank conducted a hearing, and on July 17, 2025, issued Order No. 25-UI-297904, allowing claimant's late request for hearing on decision # L0007829141 and affirming that decision on the merits. On July 24, 2025, claimant filed an application for review of Order No. 25-UI-297904 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Both claimant and the employer submitted written arguments. EAB considered claimant's written argument when reaching this decision. The employer's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond the employer's reasonable control prevented them from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered

<sup>1</sup> Decision # L0007829141 stated that claimant was denied benefits from November 3, 2024 to November 1, 2025. However, decision # L0007829141 should have stated that claimant was disqualified from receiving benefits beginning Sunday, November 3, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

only information received into evidence at the hearing. EAB considered any parts of the employer's argument that were based on the hearing record.

**PARTIAL ADOPTION:** EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 25-UI-297904 allowing claimant's late request for hearing. That part of Order No. 25-UI-297904 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) Central Oregon Garage Door, Inc. employed claimant as a technician from approximately April 2014 through November 5, 2024.

(2) Over the course of his employment, claimant felt that one of the owners of the business, "K.F.," "lied to [claimant] many times," but claimant simply "sucked it up" and continued working for the employer despite this. Transcript at 12.

(3) In or around October 2024, claimant learned that a newly-hired technician had been hired at a rate of \$37 per hour. At the time, the employer was paying claimant, who had significantly more experience than the new technician, a rate of \$30.50 per hour. Claimant became frustrated that he was earning less than a new employee with less experience, and spoke to K.F. to request a pay raise. K.F. acknowledged that claimant was a valued employee, but refused to give claimant a raise.

(4) On Friday, November 1, 2024, because of his frustration with the pay disparity, claimant told K.F. that he was quitting, and left work to go home. Later that day, K.F. arrived at claimant's home, "begged" claimant to return to work, and offered claimant a raise to \$37 per hour and an extra week of vacation per year if claimant returned. Transcript at 11–12. Claimant agreed, and returned to work on the following Monday, November 4, 2024.

(5) On November 5, 2024, claimant was called into a meeting with the other owner of the company, "K.M.," who handled financial matters for the business. K.M. explained to claimant that the employer was only able to offer claimant a raise of \$2.50 per hour, bringing claimant to a pay rate of \$33.00 per hour. Claimant told K.M. that he would consider it and left the office, after which another employee entered to meet with K.M. Claimant then spoke to K.F., who explained that the employer was only able to offer claimant the \$2.50 per hour raise because they were also giving the rest of their employees raises. Claimant felt that he could "probably live with that" if his coworkers were also receiving raises. Transcript at 16.

(6) Shortly after speaking to K.F., claimant spoke to the employee who had met with K.M. after claimant. That employee told claimant that he had not received a raise, leading claimant to believe that K.F. had misled claimant about the reason the employer did not give claimant the \$6.50 per hour raise. Claimant then confronted K.F., accused him of "constantly lying to [claimant] and promising [him] stuff," and quit. Transcript at 16. Claimant quit because he believed the employer had been dishonest with him about the reason he was not receiving a larger raise.

**CONCLUSIONS AND REASONS:** Claimant voluntarily 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 voluntarily quit work because he believed the employer had been dishonest with him about the reason claimant was not receiving a larger raise. This followed a previous interaction in which claimant essentially threatened to quit after the employer refused to give claimant a raise to match what a less-experienced new hire was being paid; and a recission of that threat to quit after the employer later agreed to meet claimant’s compensation demands.<sup>2</sup>

As a preliminary matter, while it is clear from the record that claimant was dissatisfied with the smaller pay raise that the employer offered him on November 5, 2024, the record shows that this was not the reason that claimant actually quit, as he decided he was willing to accept the raise once he learned that he was not getting the raise the employer initially proposed because his coworkers were also getting raises. Instead, claimant quit because of his belief that the employer had lied to him about the *reason* that he was not receiving the \$6.50 per hour raise, as one of claimant’s coworkers told claimant that the former was not receiving a raise. This was not a reason of such gravity that claimant had no reasonable alternative but to quit.

First, although claimant alleged that K.F. lied to him, the record does not show that K.F. lied. K.F. informed claimant, after the meeting on November 5, 2024, of the reason that claimant would not be receiving as large of a raise as originally proposed. In learning that one of his coworkers would not be receiving a raise, claimant apparently took this to mean that the employer was not giving the rest of the staff raises, and had therefore lied to claimant. This was speculation: the fact that one employee did not receive a raise at that time does not mean that most or all the rest of the staff was not getting raises. Thus, the employer’s explanation that they could not give claimant the raise originally offered because they were raising the pay of other employees was plausible, even if one particular employee was not given a raise at that time.

The record also does not show that claimant confirmed the report from the other employee with K.F., or requested any sort of explanation from K.F., to explain the seeming disparity. Instead, claimant immediately accused K.F. of lying to him, and then quit. A reasonable and prudent person would have, at the very least, confirmed the accuracy of the report before assuming that the employer had lied to or

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<sup>2</sup> At hearing, claimant testified that he “originally quit” on November 1, 2024, but agreed to return to work after K.F. “begged” claimant to return to work and agreed to claimant’s compensation demands. Transcript at 11–12. However, the record does not show that claimant severed the employment relationship on that date, such that his agreement to return to work would be considered a new period of employment. Therefore, it is more appropriate to consider claimant’s actions on November 1, 2024 to be a notice of resignation which he later rescinded. Thus, the only work separation addressed in this matter is claimant’s resignation on November 5, 2024.

intentionally misled them and then quitting on that basis. Thus, claimant has not met his burden to show that he faced a situation of such gravity that he had no reasonable alternative but to quit.

Further, although claimant's frustration with what he felt was a lie or misleading statement, as well as the smaller raise than initially offered, was understandable, claimant has not shown that he benefitted in any way from quitting. *See Oregon Public Utility Commission v. Employment Dep't.*, 267 Or App 68, 340 P3d 136 (2014) (for a claimant to have good cause to voluntarily leave work, the claimant must derive some benefit for leaving work). Claimant did not describe at hearing any negative effects that the employer's allegedly misleading statements had on him, or that any such effects were alleviated by quitting.

Because claimant derived no benefit from quitting, and quit for a reason that was not of such gravity that he had no reasonable alternative but to quit, claimant voluntarily quit work without good cause, and therefore is disqualified from receiving unemployment insurance benefits effective November 3, 2024.

**DECISION:** Order No. 25-UI-297904 is affirmed.

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

**DATE of Service:** August 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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