

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0449**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 20, 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 27, 2025 through April 25, 2026 (decision # L0010793087). Claimant filed a timely request for hearing. On July 15, 2025, ALJ Murdock conducted a hearing, and on July 18, 2025 issued Order No. 25-UI-298010, modifying decision # L0010793087 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective April 27, 2025 and until requalified under Department law.<sup>1</sup> On July 21, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Lam Research Corporation employed claimant as a field service technician from approximately November 13, 2024 through approximately April 30, 2025.

(2) Before working for the employer, claimant had worked in similar roles for other employers. In those prior roles, claimant had always been provided with complete training for the work he would be performing. When claimant began working for the employer, however, the employer gave him minimal training for the position, instead expecting him to learn the job as he worked.

(3) As claimant continued to work for the employer, he attempted to learn what he needed to perform the job. However, claimant found it difficult to do so without a full training, especially as he generally was assigned to work alone. Claimant eventually raised concerns with the employer about the lack of training. As a result, in or around February 2025, the employer provided claimant with a week-long training course, and another shorter training some time later. While these trainings helped claimant to some extent, he still felt that he was not adequately trained to perform the job as expected.

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<sup>1</sup> Although Order No. 25-UI-298010 stated it affirmed decision # L0010793087, it modified that decision by changing the duration of the disqualification. Order No. 25-UI-298010 at 2.

(4) Claimant was scheduled to work 12-hour days, three or four days per week, which made it difficult for him to get all of his assigned work completed. Due to his lack of training, the heavy workload that the employer consistently assigned to him, and the 12-hour schedule, claimant had trouble keeping up with the employer's performance expectations. If claimant had instead been allowed to work eight-hour shifts, five days per week, he might have been able to be more productive at work, but such a schedule was not available to him. Claimant also suffered from memory problems, which he believed contributed to his performance difficulties.

(5) In or around late April 2025, the employer told claimant that he was performing poorly, and offered him two options. The first option was to resign immediately and receive eight weeks of pay as severance. The second option was to continue to work for another four weeks, at which point claimant's performance would be re-evaluated, and he would be discharged if he was not performing to the employer's standards at that time. The second option did not include the possibility of severance pay if he was discharged.

(6) Claimant considered the options and decided to take the severance pay and resign. Claimant did so because he had three children and was concerned about his ability to provide for them. Therefore, on or around April 30, 2025, claimant quit to accept the offer of severance pay.

**CONCLUSIONS AND REASONS:** Claimant quit work with 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 the employer had offered him the options of either resigning and receiving eight weeks of severance pay, or working for another four weeks with the possibility of discharge, and without severance pay, if he had not met their performance standards by then. The order under review concluded that this did not constitute good cause for quitting, explaining that claimant did not face a situation of such gravity that he had no reasonable alternative but to quit because "[h]e could have continued to work for as long as the employer was willing to allow him to, while attempting to meet the employer's performance standards." Order No. 25-UI-298010 at 2. The record does not support the conclusion that continuing to work was a reasonable alternative to quitting.

Given claimant's need to support his children and the possibility of losing out on four additional weeks of pay if he was not able to meet the employer's performance expectations, claimant's situation was grave. The only alternative to quitting was to work the four additional weeks in the hope that the employer would not discharge him at that time. However, pursuing this option would have most likely been futile, and therefore not a reasonable alternative.

The record shows that during the approximately six-month course of his employment, claimant attempted to meet the employer's performance standards, but nothing in the record suggests that he was ever successful in these efforts. The record also shows that claimant requested training to improve his competence and performance, but that the training the employer provided him was limited and insufficient to prepare him for the job. Given that claimant was never given training sufficient to allow him to succeed over this period of time, as well as his memory problems and difficulties due to working longer shifts, it is unlikely that claimant would have been able to meet the employer's performance standards within another four weeks.

This is further supported by the fact that the employer specifically induced claimant to quit by offering him the choice they did, as it stands to reason that the employer would not have made the offer to quit and receive additional severance pay more appealing than the option to continue working if they believed that claimant could actually meet their performance standards within another four weeks. This suggests that the employer did not believe claimant was capable of performing the job, and expected to discharge him if he chose to stay for another four weeks. As such, the employer effectively offered claimant the option to either quit and receive eight weeks of pay, or work for another four weeks and then be discharged without additional pay. Any reasonable and prudent person, particularly one who had children to support, would choose eight weeks of pay over four weeks of pay, when the latter offered no meaningful opportunity for continued employment after four weeks.

Thus, because working for an additional four weeks was not a reasonable alternative to quitting, claimant quit work for a reason of such gravity that he had no reasonable alternative but to quit. Claimant therefore quit with good cause and is not disqualified from receiving benefits based on the quit.

**DECISION:** Order No. 25-UI-298010 is set aside, as outlined above.

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

**DATE of Service:** August 22, 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.

**NOTE:** This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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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 –** 本判决会影响您的失业救济金。如果您不明白本判决，请立即联系就业上诉委员会。如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

## 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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