

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0473

Reversed
No Disqualification

PROCEDURAL HISTORY: On June 10, 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 disqualified from receiving unemployment insurance benefits effective April 6, 2025 (decision # L0011081965).¹ Claimant filed a timely request for hearing. On July 14, 2025, ALJ Hall conducted a hearing, and on July 22, 2025, issued Order No. 25-UI-298342, affirming decision # L0011081965. On August 2, 2025, claimant filed an application for review of Order No. 25-UI-298342 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that she provided a copy of her 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 her from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). For these reasons, EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) RWW Home & Community Rehab Services, Inc. employed claimant as an occupational therapist from September 2, 2024 through April 11, 2025.

(2) The employer paid claimant \$50 per hour, and claimant typically worked 30 to 36 hours per week.

(3) Prior to March 31, 2025, claimant received an offer of work from a different employer. That position was to pay \$52.56 per hour, for 40 hours per week, and was scheduled to begin on April 21, 2025. Claimant accepted the position, and on March 31, 2025, notified the employer that she was resigning effective April 11, 2025. Claimant was required to successfully complete a drug screen and background

¹ Decision # L0011081965 stated that claimant was denied benefits from April 6, 2025 through April 18, 2026. However, decision # L0011081965 should have said that claimant was disqualified from receiving benefits beginning Sunday, April 6, 2025 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

check, and submit her immunization records to the new employer before she could begin the new position. Claimant completed these requirements successfully.

(4) On April 11, 2025, claimant quit work as planned so that she could accept the offer of other work. Claimant quit on that date because she needed time to prepare her home office for her new position. This involved tasks such as gathering various work-related equipment and other materials from her vehicle and from around her house to move into the office; locating and obtaining a standing desk and other furniture necessary for her to work from home; consolidating and organizing her client files, therapy supplies, and other work-related materials; and organizing her desk.

(5) On April 21, 2025, claimant began working for the new employer as planned.

(6) Claimant's weekly benefit amount was \$758.

CONCLUSIONS AND REASONS: Claimant voluntarily 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.

A claimant who leaves work to accept an offer of other work "has left work with good cause only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay [either] an amount equal to or in excess of the weekly benefit amount; or an amount greater than the work left." OAR 471-030-0038(5)(a).

Claimant voluntarily quit work to accept an offer of other work. The order under review concluded that this did not constitute good cause, explaining that while the offer of other work was definite, reasonably expected to continue, and paid an amount equal to or greater than the work claimant had left, it did not begin in the shortest period of time reasonable under the circumstances. Order No. 25-UI-298342 at 2–3. The record does not support the conclusion that the work did not begin in the shortest period of time reasonable under the circumstances.

As a preliminary matter, while the record does not explicitly show either that the offer of other work was reasonably expected to continue, or that it was a definite offer, it can be reasonably inferred from the record that both are true. Regarding the former, the record does not indicate that the new position was temporary, and thus it is not reasonable to infer otherwise. Regarding the latter, the record does not show precisely when claimant completed the various pre-employment requirements that the new employer required. Nevertheless, because claimant successfully completed those requirements, and did in fact start the new job as planned, it can be reasonably inferred that the requirements were completed by the time

she left the employer. Therefore, the offer was definite because it was no longer contingent upon the completion of such requirements by the time claimant left work.

Claimant quit on Friday, April 11, 2025, and began the new position as planned ten days later, on Monday, April 21, 2025. The record suggests that claimant worked Monday through Friday, given that claimant was a medical professional, and that she quit on a Friday and began working for the new employer on a Monday. Thus, of the nine days between her last day of work for the employer and the beginning of the new job, only five of those days were, more likely than not, days on which claimant would work. Therefore, claimant took five working days to set up her new workspace. This appears to have involved a substantial amount of work, such as obtaining and moving furniture, and organizing several types of files and supplies. This was not an unreasonable amount of time for one to complete such tasks and apparently it did take claimant that amount of time to complete them. Furthermore, completing these tasks seemed necessary for claimant to successfully begin her new role. Therefore, the new position began in the shortest length of time as can be deemed reasonable under claimant's circumstances.

Lastly, claimant's new work paid an amount greater than the work she left. The employer paid claimant \$50 per hour, and claimant typically worked between 30 and 36 hours per week. Claimant's new job paid \$52.56 per hour, for 40 hours of work per week.

Because claimant quit work to accept an offer of other work, and because that offer met the requirements of OAR 471-030-0038(5)(a), claimant voluntarily quit work with good cause, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-298342 is set aside, as outlined above.

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

DATE of Service: September 12, 2025

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.

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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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