

EO: Intrastate
BYE: 10-Jan-2026

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

354
MC 000.00
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0528

Affirmed
Late Request to Reopen Allowed
Disqualification

Confirmada
La Aplicación Tardía Para Reabrir la Audiencia Es Permitida
Descalificación

Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.¹

PROCEDURAL HISTORY: On May 5, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective December 29, 2024 (decision # L0010554249). Claimant filed a timely request for hearing. On May 21, 2025, notice was mailed to the parties that a hearing was scheduled for June 4, 2025. On June 4, 2025, claimant failed to appear for the hearing, and ALJ Griffith issued Order No. 25-UI-294055, dismissing claimant's request for hearing due to her failure to appear. On June 24, 2025, Order No. 25-UI-294055 became final without claimant having filed a request to reopen the hearing. On June 25, 2025, claimant filed a late request to reopen the hearing. On August 11, 2025, ALJ Griffith conducted a hearing interpreted in Spanish, and on August 18, 2025, issued Order No. 25-UI-300837, cancelling Order No. 25-UI-294055, allowing claimant's late request to reopen, and modifying decision # L0010554249 by concluding that claimant quit work without good cause and was disqualified from receiving benefits

¹ This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

effective December 22, 2024.² On September 7, 2025, claimant filed an application for review of Order No. 25-UI-300837 with the Employment Appeals Board (EAB).

HISTORIA PROCESAL: *El 5 de mayo de 2025, el Departamento de Empleo de Oregón (el Departamento) notificó una decisión administrativa que concluye que la reclamante renunció voluntariamente al trabajo sin causa justificada y, por lo tanto, fue descalificada para recibir beneficios del seguro de desempleo a partir del 29 de diciembre de 2024 (decisión no. L0010554249). La reclamante presentó una solicitud de audiencia oportuna. El 21 de mayo de 2025, se notificó por correo a las partes que se había programado una audiencia para el 4 de junio de 2025. El 4 de junio de 2025, la reclamante no se presentó a la audiencia, y el Jueza Administrativa Griffith emitió la Orden No. 25-UI-294055, desestimando la solicitud de audiencia de la reclamante debido a su incomparecencia. El 24 de junio de 2025, la Orden No. 25-UI-294055 se volvió definitiva sin que la reclamante hubiera presentado una solicitud de reapertura de la audiencia. El 25 de junio de 2025, la reclamante presentó una solicitud tardía de reapertura de la audiencia. El 11 de agosto de 2025, la Jueza Administrativa Griffith realizó una audiencia interpretada al español y, el 18 de agosto de 2025, emitió la Orden No. 25-UI-300837, que canceló la Orden No. 25-UI-294055, permitió la reapertura de la solicitud tardía de la reclamante y modificó la decisión no. L0010554249, concluyendo que la reclamante renunció voluntariamente su trabajo sin justa causa y fue descalificada para recibir beneficios a partir del 22 de diciembre de 2024. El 7 de septiembre de 2025, la reclamante presentó una solicitud de revisión de la Orden No. 25-UI-300837 ante la Junta de Apelaciones de Empleo (EAB).*

WRITTEN ARGUMENT: Claimant did not say 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 had information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented them 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).

ARGUMENTO POR ESCRITO: *La reclamante no dijo que había proporcionado una copia de su argumento por escrito al empleador en este caso, de acuerdo con Regla Administrativa de Oregón (OAR) 471-041-0080(2)(a) (13 de mayo de 2019). El argumento también contenía nueva información que no era parte del expediente de este caso, y la reclamante no demostró que razones o circunstancias fuera de su control le impidieron ofrecer esa información durante la audiencia, de acuerdo con OAR 471-041-0090 (13 de mayo de 2019). EAB consideró únicamente la información recibida como evidencia en la audiencia. Véase ORS 657.275(2).*

² Although Order No. 25-UI-300837 stated it affirmed decision # L0010554249, it modified that decision by changing the beginning date of the disqualification from December 29, 2024 to December 22, 2024. Order No. 25-UI-300837 at 5.

La Orden No. 25-UI-300837 dijo que confirmó la decisión # L0010554249, pero en realidad modificó esa decisión al cambiar la fecha de inicio de la descalificación del 29 de diciembre 2024 al 22 de diciembre de 2024. La Orden No. 25-UI-300837 en 5.

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-300837 allowing claimant's late request to reopen the June 4, 2025 hearing. That part of Order No. 25-UI-300837 is **adopted**. See ORS 657.275(2).

ADOPCIÓN PARCIAL: EAB consideró todo el registro de la audiencia, incluido el testimonio de los testigos y cualquier prueba admitida como evidencia. EAB está de acuerdo con la parte de la Orden No. 25-UI-300837 que permite la solicitud tardía de la reclamante de reabrir la audiencia del 4 de junio de 2025. Esa parte de la Orden No. 25-UI-300837 es **adoptada**. ORS 657.275(2).

FINDINGS OF FACT: (1) Churchill Management, Inc. employed claimant as a baker from March 8, 2022 through December 26, 2024. Claimant worked an average of 37.5 hours per week.

(2) On October 23, 2024, claimant received a written warning about having failed to cut desserts prior to leaving work for the day as directed. Claimant believed that she did not have enough time in the workday to cut the desserts while doing everything else expected of her, and that her supervisor would not allow her to work the additional time needed to complete this task. After hearing claimant's response to the warning, claimant's supervisor and a human resources manager instructed claimant to ask to stay late if she ever needed to do so to complete the dessert cutting, or for permission to delay the cutting until the next morning.

(3) On December 26, 2024, the employer issued claimant another written warning for having failed to cut pies before leaving work the previous day. Claimant believed that the warning was undeserved because she felt that she "always did what they asked [her] to do," including on that occasion. Transcript at 16. Claimant felt that cutting pies was "not part of [her] job" and that a supervisor had once told her that other employees could cut them. Transcript at 16. Claimant also believed that asking her supervisor for permission to work later to cut desserts would "upset" the supervisor because the supervisor did not want claimant to work more than 37.5 to 40 hours per week. Transcript at 16.

(4) Later on December 26, 2024, claimant submitted notice of her resignation to the employer in response to the warning, saying that it would become effective in two weeks. Claimant quit because she "didn't feel comfortable with [her supervisor's] attitude" and disliked having to "work there under so much pressure." Transcript at 17. Shortly after giving notice of her resignation, claimant decided not to work the two-week notice period and did not report for work or attempt to communicate with the employer after December 26, 2024. Claimant did not attempt to discuss her points of dissatisfaction with the human resources department prior to quitting.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work without good cause.

CONCLUSIONES Y RAZONES: La reclamante renunció voluntariamente al trabajo sin una causa justificada.

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 Dept.*, 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 Dept.*, 348 Or 605, 612, 236 P3d 722 (2010).

Claimant quit work because she felt pressured by the demands of the job and believed that she did not deserve the December 26, 2024 warning. While claimant’s testimony primarily focused on these pressures, it can be inferred from the timing of claimant’s resignation, and her unwillingness to work the notice period she initially offered to work, that the December 26, 2024 warning was the proximate cause of her decision to quit work when she did.

Following the October 23, 2024 warning, claimant understood that she was generally expected to cut desserts before leaving for the day unless she received permission to do it the following morning, and was to ask her supervisor to work late if necessary to accomplish this task. Claimant felt “pressure[d]” by this expectation because she felt there was not enough time in the workday to fulfil it while completing her other assigned work, and she was reluctant to request that her supervisor make exceptions or schedule changes because claimant assumed such requests would be denied, or would upset the supervisor. Transcript at 17. Claimant’s failure to cut pies before leaving work on December 25, 2024, or seek an exemption from performing the task that day, led to her receiving a second written warning regarding this issue.

Claimant believed the December 26, 2024 warning was undeserved because cutting pies was “not part of [her] job.” Transcript at 16. Claimant apparently based this belief on a single past instance of her supervisor allowing the task of pie cutting to be delegated to other employees. However, the directive in the previous written warning applied by its terms to all types of desserts, and stated that claimant was encouraged to ask for exceptions or scheduling accommodations if needed. Claimant did not assert that she asked for an exception or scheduling accommodation regarding cutting pies on December 25, 2024. Claimant has not shown by a preponderance of the evidence that issuance of the second warning was unreasonable under these circumstances, and she therefore did not face a grave situation due to its issuance.

While it can understandably be stressful for an employee to feel that their employer has assigned them more work than the employee thinks can be accomplished within a workday, the employer here offered potential solutions to claimant, including asking for permission to stay late, asking to modify the work schedule, or asking to delay the task until the following day. The employer was unwilling to accept claimant’s refusal to cut a certain type of dessert (pies), but even following the second warning was otherwise willing to work with her to find a resolution to her concerns. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work for the reasons claimant did. Moreover, even if this had constituted a grave situation, claimant had the reasonable alternative to quitting of addressing her concerns with the human resources department or her supervisor. Accordingly, claimant did not face a grave situation, and quit work without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective December 22, 2024.

La reclamante renunció voluntariamente el trabajo sin una buena causa y, por lo tanto, está descalificada para recibir beneficios del seguro de desempleo a partir del 22 de diciembre de 2024.

DECISION: Order No. 25-UI-300837 is affirmed.

DECISIÓN: *La Orden No. 25-UI-300837 es confirmada.*

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

DATE of Service: October 8, 2025

FECHA de Servicio: el 8 de octubre de 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.

NOTA: *Puede apelar esta decisión presentando una Petición de Revisión Judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de entrega de esta decisión indicada arriba. Vea ORS 657.282. Para obtener formularios e información, visite <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> y elija el formulario para “Junta de Apelaciones Laborales”. En este sitio web, hay información disponible en español. Puede solicitar un intérprete para la Corte en <https://web.courts.oregon.gov/osca/clas/CLASRequestFormRedirect.html> También puede comunicarse con la Corte de Apelaciones por teléfono al (503) 986-5555, por fax al (503) 986-5560 o por correo a 1163 State Street, Salem, Oregon 97301.*

Por favor, ayúdenos a mejorar nuestro servicio completando una encuesta de servicio al cliente. Para completar la encuesta en línea, vaya a <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. Si no puede completar la encuesta en línea y desea obtener una copia impresa de la encuesta, comuníquese con nuestra oficina.



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.