

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0601

Reversed
No Disqualification

PROCEDURAL HISTORY: On July 7, 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 September 8, 2024 (decision # L0011549318).¹ Claimant filed a timely request for hearing. On September 17, 2025, ALJ Enyinnaya conducted a hearing, and on September 24, 2025 issued Order No. 25-UI-304848, affirming decision # L0011549318. On October 8, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument 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. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record.

Additionally, claimant asserted that the hearing proceedings were unfair or the ALJ was biased. EAB reviewed the entire hearing record, which shows that the ALJ inquired fully into the matters at issue and gave all parties reasonable opportunity for a fair hearing as required by ORS 657.270(3) and (4), and OAR 471-040-0025(1) (August 1, 2004).

¹ Decision # L0011549318 stated that claimant was denied benefits from September 8, 2024 to May 3, 2025. However, decision # L0011549318 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 8, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176. Additionally, decision # L0011549318 amended an earlier administrative decision (decision # L011586027), issued on July 3, 2025, which concluded the same as decision # L0011549318 except found that claimant was disqualified through May 2, 2026.

FINDINGS OF FACT: (1) Macy’s Retail Holdings, LLC employed claimant as a sales associate at one of their retail stores in the Portland, Oregon metro area from May 21, 2024 through September 12, 2024. Claimant previously worked for the employer on two other occasions.

(2) Claimant worked part-time for the employer, at an average of 19.5 hours per week, and was paid \$17 per hour.

(3) Shortly after starting work with the employer, claimant realized that some of the physical requirements of the job were aggravating some of her medical conditions. Additionally, for most of her tenure with the employer, claimant was frustrated with some of the working conditions at the store. For instance, claimant felt that she was discriminated against because of her age, and that her supervisor had created a hostile work environment for claimant.

(4) As a result of her various dissatisfactions with the job, claimant began to look for another job. On September 12, 2024, claimant received an offer of work from another employer. The new position was to start the following day, and was not contingent on anything such as claimant’s completion of a drug screen or background check. The position was “permanent part-time,” and would generally offer claimant between ten and 15 hours of work per week. Transcript at 11.

(5) On September 12, 2024, claimant accepted the offer of other work. On the same day, claimant resigned from the employer with immediate effect. On September 13, 2024, claimant began working for the new employer as planned.

(6) On September 12, 2024, the minimum wage for the Portland metro area was \$15.95 per hour.²

(7) Claimant’s weekly benefit amount was \$196.³

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 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).

² EAB has taken notice of this fact, which is a generally knowable fact. OAR 471-041-0090(1). A copy of the information is available to the parties at <https://www.oregon.gov/boli/workers/Pages/minimum-wage-schedule.aspx>. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed fact(s) will remain in the record.

³ EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed fact(s) will remain in the record.

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 on September 12, 2024 because she received an offer of work with another employer, to start the following day. As a preliminary matter, while claimant may have been motivated to seek other work due to claimant’s health and various concerns about the employer’s working conditions, the record shows that the proximate cause of her decision to quit work when she did was the job offer she received on September 12, 2024. Given that claimant had endured the work conditions for several months before quitting, but quit almost immediately after receiving the offer, it stands to reason that claimant would likely not have quit at the particular point in time that she did, if not for the receipt of that job offer. Therefore, the offer of other work was the proximate cause of her decision to quit, and is the proper focus of the good-cause analysis.

The order under review correctly concluded that the offered work was definite, was reasonably expected to continue, and started in the shortest length time reasonable under the circumstances. Order No. 25-UI-304848 at 3. Despite this, the order under review also concluded that claimant did not have good cause to quit work to accept the offer of other work because the record did not contain sufficient information to “evaluate the factor of pay due to claimant’s inability to provide her rate of pay at the new job.” Order No. 25-UI-304848 at 3. The record does not support this conclusion.

Despite claimant’s not having provided her rate of pay or average earnings with the new position, that information can be reasonably inferred from the record. At hearing, claimant estimated that she was to work approximately ten to 15 hours per week in the new position, but was unable to provide the exact rate of pay, instead just stating that it was “comparable” to what the employer paid her. Transcript at 12, 9. Given that claimant had been working an average of 19.5 hours per week for the employer, even if the new position paid her the same as the employer, claimant likely was paid less overall, as she was to work fewer hours in the new position.

However, the new position likely paid more than claimant’s weekly benefit amount. As the new position offered claimant between ten and 15 hours per week, it can be inferred that she was to work an average of 12.5 hours per week. The minimum wage in the Portland metro area at the time claimant quit was \$15.95 per hour. Thus, the new position was to pay on average, at least \$199.38 per week, which is greater than claimant’s weekly benefit amount of \$196.

For the above reasons, the record shows that claimant quit work to accept an offer of other work that was definite, was reasonably expected to continue, started in the shortest length time reasonable under the circumstances, and paid more than her weekly benefit amount. Therefore, under OAR 471-030-0038(5)(a), claimant voluntarily quit work with good cause, and is not disqualified from receiving unemployment insurance benefits as a result of the work separation.

DECISION: Order No. 25-UI-304848 is set aside, as outlined above.

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

DATE of Service: November 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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