

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0615

Reversed
No Disqualification

PROCEDURAL HISTORY: On July 30, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit working for the employer with good cause and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0012135689). The employer filed a timely request for hearing. On October 8, 2025, ALJ Contreras conducted a hearing, and on October 10, 2025, issued Order No. 25-UI-306909, reversing decision # L0012135689 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective May 25, 2025. On October 29, 2025, claimant filed an application for review 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). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

EAB considered the employer's argument in reaching this decision.

FINDINGS OF FACT: (1) Community Access Services II, Inc. employed claimant as a direct support professional from December 2024 until May 26, 2025.

(2) The employer paid claimant slightly less than \$23 per hour and claimant typically worked 35 to 40 hours per week for them.

(3) Prior to May 26, 2025, a different employer, Flagstone, offered claimant a job. The terms of the offer were that the job was to be a 40 hour-per-week permanent position, and pay \$26 per hour. The Flagstone job was to start on June 2, 2025. Prior to May 26, 2025, claimant accepted the job with Flagstone.

(4) On the evening of May 26, 2025, claimant sent an email to the employer giving notice of her intent to resign effective that day. Claimant successfully completed all contingencies for the job with Flagstone, such as completing a background check and a drug screen, before she sent her resignation email to the employer.

(5) Claimant worked a Monday through Friday schedule for the employer. Monday May 26, 2025 was the Memorial Day holiday.

(6) Claimant resigned on the evening of May 26, 2025 so that she could spend personal time, including time with her children, before the Monday, June 2, 2025 start date of the Flagstone job.

(7) Claimant began working for Flagstone as planned on June 2, 2025. A few days after her start date, Flagstone's corporate office decided to restructure and eliminated claimant's job.

CONCLUSIONS AND REASONS: Claimant voluntarily left 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).

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).

The order under review concluded that claimant voluntarily quit work without good cause because, it reasoned, claimant's job with Flagstone did begin in the shortest length of time reasonable under the individual circumstances. Order No. 25-UI-306909 at 2. The record does not support this conclusion.

Claimant quit working for the employer to accept the job with Flagstone. Claimant therefore quit work to accept an offer of other work, which means that OAR 471-030-0038(5)(a) governs whether claimant voluntarily left work with good cause. Claimant met the elements of OAR 471-030-0038(5)(a).

First, the offer of work from Flagstone was definite. The terms of the job, such as the rate of pay and the number of hours claimant would be scheduled to work per week, were clearly stated, as was the job's June 2, 2025 start date. Furthermore, claimant successfully completed all contingencies for the Flagstone job before she quit working for the employer.

Second, the Flagstone job was reasonably expected to continue. At the time the Flagstone job was offered to claimant and as of when she quit working for the employer, the job was intended to be a permanent position that would continue indefinitely, as opposed to a seasonal job or a job of limited

duration. Therefore, although the job was later eliminated by Flagstone's corporate office a few days after claimant began, the offer of work from Flagstone was reasonably expected to continue.

Third, the Flagstone job paid an amount greater than the work claimant left. The Flagstone job paid \$26 per hour at 40 hours of work per week. Claimant's job working for the employer paid slightly less than \$23 per hour at 35 to 40 hours per week. The Flagstone job's pay of \$26 per hour at 40 hours per week was more than the pay offered by the employer of slightly less than \$23 per hour at 35 to 40 hours per week.

Finally, the Flagstone job began in the shortest time reasonable under the individual circumstances. The Flagstone job was to begin on Monday June 2, 2025. Claimant quit working for the employer on the evening of Monday May 26, 2025. As claimant normally did not work weekends, this effectively enabled claimant to have the four days that followed (Tuesday May 27 through Friday May 30) to spend as personal time, including time with her children, before the June 2, 2025 start date of the Flagstone job.

The record does not suggest that the June 2, 2025 start date of the Flagstone job was open to being moved forward. At hearing, claimant testified that "it had a start date of June 2" without any indication that that date was subject to being moved closer in time to claimant's May 26 resignation date. Audio Record at 11:20. It stands to reason that Flagstone would hold firm to the June 2 start date, given that moving the date closer in time to May 26 would mean starting a new employee in the middle of a work week that began with the Memorial Day holiday, and it is inferred that Flagstone would insist on the convenience and regularity of starting claimant on June 2, the Monday of a normal work week.

Moreover, to show that the work began in the shortest time reasonable under the individual circumstances, it was not required for claimant to quit work on the absolute last day she potentially could have worked before the Flagstone job's June 2 start date. The order under review implied that quitting work on Friday May 30 was necessary to satisfy this aspect of the rule, characterized the personal time claimant spent with her children as "[t]aking time off for leisure," and opined that claimant's "spend[ing] time with her children. . . . was not necessary." Order No. 25-UI-306909 at 2.

It does not follow that spending personal time, including with one's children, equates to a vacation or leisure time spent on unimportant matters. Claimant quit on May 26 to enable herself to spend the four days that followed as personal time before the start of a new job. Enabling a mere four-day period of time between the start of new employment was reasonable under the individual circumstances. The record therefore shows that the Flagstone job began in the shortest time reasonable under the individual circumstances.

For these reasons, claimant fulfilled the elements of OAR 471-030-0038(5)(a). Claimant therefore voluntarily left work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 25-UI-306909 is set aside, as outlined above.

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

DATE of Service: December 3, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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