

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0639

Reversed
No Disqualification

PROCEDURAL HISTORY: On July 31, 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 May 25, 2025 (decision # L0012076959).¹ Claimant filed a timely request for hearing. On October 8, 2025, ALJ Brann conducted a hearing at which the employer failed to appear, and on October 10, 2025, issued Order No. 25-UI-306823, affirming decision # L0012076959.² On October 22, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's written argument in reaching this decision.

FINDINGS OF FACT: (1) Cheema Freightlines LLC employed claimant as a truck driver from December 20, 2022 until May 31, 2025.

(2) By early 2025, claimant's assigned truck had problems with its alignment and air conditioning that claimant considered safety issues. After claimant's repeated complaints, the employer sent the truck for repair for seven days in April 2025. Following these repairs, claimant believed that the alignment and air conditioning issues had not been fixed. Claimant raised these issues with the employer, but received no indication the employer intended to have the truck serviced again. Claimant could have requested that an alternate truck be assigned, but did not do so, and the employer did not offer this as a solution.

¹ Decision # L0012076959 stated that claimant was denied benefits from June 1, 2025 to May 30, 2026. However, as decision # L0012076959 concluded that the work separation occurred on May 31, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, May 25, 2025, and until he earned four times his weekly benefit amount. *See* ORS 657.176.

² Order No. 25-UI-306823 stated that it affirmed decision # L0012076959 and claimant's disqualification from benefits effective June 1, 2025. However, the order likewise concluded that the work separation occurred on May 31, 2025, and therefore the disqualification should have been effective May 25, 2025.

(3) While the truck was out of service for repair, claimant was entitled to be paid for five of the seven days he was unable to drive, under the terms of a written employment agreement. The employer paid claimant for only three of these days. Additionally, in early May 2025, claimant went to pick up a trailer that was to have been loaded before he arrived, but it was not loaded until 19 hours after he arrived. Under the employment agreement, claimant was entitled to be paid for nine of those hours, but was paid for only four.

(4) In April and May 2025, claimant protested the two pay shortages with the payroll department and his dispatch manager, who declined to make additional payment. Claimant believed there was no procedure for further appealing pay discrepancies within the company, and when claimant asked his manager if he could pursue the matter at other levels of management, he was told the decision was “final.” Audio Record at 20:38. Claimant believed that his manager, who made dispatch decisions, might retaliate against him by providing fewer hours of work if he pursued the pay or truck repair issues further. Claimant did not file a complaint regarding either issue with the Bureau of Labor and Industries (BOLI).

(5) Claimant continued to work through the rest of May 2025, and became increasingly upset by the employer’s handling of the pay and repair issues. On May 31, 2025, claimant notified the employer while in the truck that he was quitting work immediately. Claimant left the truck at the employer’s facility and did not work thereafter. Claimant would have been willing to continue working for the employer if they had resolved the repair and pay issues to his satisfaction.

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).

Claimant quit work because the employer failed to fix defects in his assigned truck and twice failed to pay him in accordance with the employment agreement. The order under review concluded that claimant did not face a grave situation and did not pursue reasonable alternatives to leaving, and therefore quit without good cause. Order No. 25-UI-306823 at 3. The record does not support these conclusions.

Claimant complained to the employer for several months about problems with his assigned truck’s alignment which caused him to exert extra force when steering, and that air conditioning in part of the cab where he rested was not functioning. These complaints led the employer to remove the truck from service for seven days in April 2025 to undergo repairs. Claimant was not satisfied with the repairs and complained that these two problems persisted. It is unclear from the record why these issues were not adequately addressed while the truck was taken out of service, or whether the employer agreed with claimant that they had not been fixed. The employer did not indicate to claimant that they intended to immediately conduct further repairs, and claimant continued to drive the truck through the end of May 2025.

Although claimant drove the truck in this condition for several months, he reasonably asserted that the defects were a safety issue. The employer was slow in their initial response to claimant's complaints about these issues, but ultimately took the truck out of service for a week to repair it. That the employer was to some degree responsive to claimant's complaints and willing to send the truck for repairs suggests that they were not indifferent to claimant's safety concerns generally, and may have eventually addressed claimant's dissatisfaction with the results of the April 2025 repairs. Moreover, to the extent that claimant faced a grave situation in the employer's failing to immediately address his dissatisfaction with the repairs, claimant had a reasonable alternative to leaving work. Claimant suggested at hearing that he knew the employer might have provided him a different truck upon request, stating, "I didn't ask for replacement, they didn't offer one either. . . I did not [ask]; I should have." Audio Record at 27:35. It would have been reasonable for claimant to request an alternate truck when the employer declined to immediately send his assigned truck for further repairs, as his safety concerns would likely have been resolved had the employer granted the request. Therefore, claimant has not shown good cause to quit work regarding the truck defects.

However, claimant also quit work when he did due to shortages in his pay. Under the terms of claimant's employment agreement, he was to be paid for five of the seven days his truck was out of service for repairs in April 2025, but was paid for only three of those days. Under the same agreement, claimant was entitled to be paid for nine of 19 hours he had to wait for a trailer to be loaded in May 2025, but was paid for only four of those hours. Claimant requested correction of these shortages with the employer's payroll department and his dispatch manager, and both declined to correct them. Claimant asked the dispatch manager if he could raise the issue with higher levels of management, but was told that the employer's denial of additional pay in both instances was "final," and claimant therefore did not pursue the matter further. Audio Record at 20:38. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work if their employer twice refused to pay all wages due under the terms of an employment agreement in a short period of time without explanation. Claimant therefore faced a grave situation.

Claimant pursued all reasonable alternatives to leaving work due to the pay shortages. Claimant complained to the appropriate parties within the employer's leadership structure, and received a "final" answer that the shortages would not be corrected. Claimant feared retaliation from his dispatch manager if he declined to accept that the manager's word on the matter was final and attempted to pursue it with higher levels of management or outside the company. Because the circumstances of these shortages suggest that they were likely to recur, continuing to work while seeking to compel the employer to correct them was not a reasonable alternative to quitting. *See J. Clancy Bedspreads and Draperies v. Wheeler*, 152 Or App 646, 954 P2d 1265 (1998) (where unfair labor practices are ongoing or there is a substantial risk of recurrence, it is not reasonable to expect claimant to continue to work for an indefinite period of time while the unfair practices are handled by BOLI). Accordingly, claimant had no reasonable alternative to leaving work, and quit with good cause.

For these reasons, 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-306823 is set aside, as outlined above.

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

DATE of Service: December 1, 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.

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

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