

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0710**

*Reversed*  
*Disqualification*

**PROCEDURAL HISTORY:** On May 9, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the quit (decision # L0010665929). The employer filed a timely request for hearing. On August 20, 2025, ALJ Bender conducted a hearing at which claimant failed to appear, and on August 28, 2025, issued Order No. 25-UI-301773, reversing decision # L0010665929 by concluding that claimant was not in an employment relationship with the employer and therefore was disqualified from receiving benefits based on a work separation from the employer. On September 16, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered the employer's written argument in reaching this decision.

Claimant also submitted a written argument. Claimant did not state that they provided a copy of their 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 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).

**FINDINGS OF FACT:** (1) The employer, ADP Totalsource II Inc., was in a professional employer organization (PEO) relationship with Tokala Properties in which ADP Totalsource II Inc. elected to treat Tokala Properties' employees as their own for payroll tax reporting purposes.<sup>1</sup> Claimant worked for the employer, most recently as an assistant portfolio manager, from June 1, 2016 until November 29, 2024.

<sup>1</sup> *See* Oregon House Bill 2236 (effective September 26, 2025) (Amending ORS Chapter 657, *inter alia*, to define "PEO relationship" as "an agreement between a PEO and a client employer under which certain employer responsibilities for some or all of the client employer's workers are allocated" and empowering PEOs to "elect to treat covered employees" as their own employees), *available at* <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Analysis/HB2236>.

(2) Claimant and her husband both worked for the employer. Prior to 2017, the two lived in the central Washington area, where their families resided. Claimant worked there as a property manager for the employer. In 2017, claimant and her husband accepted promotions from the employer that required them to move to Portland, Oregon.

(3) In 2018 or 2019, claimant's husband was charged with some criminal offenses in Washington. Over the years that followed, claimant and her husband took time off work when needed to enable claimant's husband to appear in court. Claimant was always able to use her paid time off (PTO) to cover such time off requests without any "push back" from the employer. Audio Record at 25:50.

(4) While working for the employer in Portland, claimant missed her family in central Washington. Claimant expressed to her supervisor that she thought it would be easier to raise her children if she lived in Central Washington and could more easily obtain support from family members.

(5) On November 6, 2024, claimant gave notice of her intent to resign effective November 29, 2024. In the letter, claimant stated, "My family will be relocating to Central Washington to be closer to our family." Exhibit 1 at 1. On November 29, 2024, claimant resigned, as planned.

(6) After claimant resigned, the employer received documents from the Department indicating that claimant informed the Department that the reason she left work was because her husband had upcoming court dates in Washington and she needed to move to Washington to accommodate the court dates.

(7) As of when she resigned, claimant had 240 hours of accrued paid time off (PTO). The PTO went unused and was paid out to claimant when she left the job. Had claimant sought to use her PTO to attend her husband's court dates, the employer would have permitted her to do so, as they had in the past.

(8) Had claimant requested the employer transfer her to a position working for the employer in central Washington, the employer would have been willing to transfer claimant back to the property in central Washington where she had previously worked, if there was an open position. Transferring back to her previous position would have been a demotion. Claimant never asked the employer for a transfer.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left work without 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).

The order under review concluded that claimant was not in an employment relationship with the employer and therefore was not subject to disqualification from receipt of benefits. Order No. 25-UI-301773 at 2. The record does not support this conclusion. The record shows that the employer, ADP Totalsource II Inc., was in a professional employer organization (PEO) relationship with Tokala Properties in which ADP Totalsource II Inc. elected to treat Tokala Properties' employees as their own

for payroll tax reporting purposes. Claimant therefore was in an employment relationship with ADP Totalsource II Inc.

The reason claimant left work was to move back to central Washington. Claimant wished to move back to central Washington to be closer to family, whom she missed and whom she thought would make raising her children easier. Another reason claimant desired to move back to central Washington was to enable her and her husband to attend her husband's court dates.

Claimant voluntarily left work without good cause. As to quitting to enable claimant to move back to central Washington to be closer to family, it is understandable that claimant would miss her family members and having family in close proximity to assist with her children would be convenient. Nevertheless, claimant did not meet her burden to prove that continuing to work for the employer while residing in Portland presented her with a situation of such gravity that she had no reasonable alternative but to quit. Portland is close enough to central Washington to enable periodic visits with family and the potential for family members to provide some assistance with claimant's children. Claimant had lived in Portland throughout most of her more than eight years of employment, and the record fails to show any changed circumstance that may have created an urgent need to move closer to family at the time claimant quit. Furthermore, claimant failed to pursue reasonable alternatives to quitting on this basis. If claimant had requested the employer transfer her to a position working for the employer in central Washington, the employer would have been willing to transfer claimant back to the property in central Washington where she had previously worked, if there was an open position. Although such a transfer would be a demotion, and therefore presumably involve a downgrade in her pay or responsibilities, claimant did not assert or show that a downgrade in pay or work responsibilities would make this alternative to quitting infeasible for her to pursue.

As for quitting to enable claimant to move back to central Washington to accommodate her husband's court dates, claimant also did not prove that continuing to work for the employer while residing in Portland presented her with a situation of such gravity that she had no reasonable alternative but to quit. For years, while living in Portland, claimant and her husband took time off work when needed to enable claimant's husband to appear in court. Claimant was always able to use her PTO to cover such time off requests without any "push back" from the employer. Audio Record at 25:50. The record shows claimant could have continued with this arrangement, rather than quit, because at the time of her resignation claimant had 240 hours of unused PTO. Moreover, claimant could have used her PTO for this purpose discretely, without necessarily disclosing the existence or nature of the charges against her husband,<sup>2</sup> as one of the employer's witnesses testified that, "any PTO requested for court cases or anything personal that did not want to be disclosed to us was granted." Audio Record at 17:27.

For these reasons, claimant quit work without good cause, and is disqualified from receiving benefits effective November 24, 2024.

**DECISION:** Order No. 25-UI-301773 is set aside, as outlined above.

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<sup>2</sup> The record suggests that claimant had confided in her direct supervisor about the charges her husband faced but had otherwise not discussed the matter with the employer. *See* Audio Record at 20:15.

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

**DATE of Service: November 21, 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.

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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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

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