

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0729

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 6, 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 7, 2025 (decision # L0013261555). Claimant filed a timely request for hearing. On November 12, 2025, ALJ S. Lee conducted a hearing, and on November 21, 2025 issued Order No. 25-UI-311774, affirming decision # L0013261555. On November 24, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Nautilus Hyosung America, Inc. employed claimant, most recently as a field service engineer, from July 26, 2021 through September 10, 2025.

(2) The employer's customers were banks and similar entities. Claimant's position as a field service engineer required her to service ATMs and related equipment for these customers. Claimant's territory covered most of southern Oregon.

(3) When claimant began working for the employer, she was hired part-time as an assistant field service engineer, and was paid \$24 per hour. In March 2022, the employer offered claimant a full-time position as a field service engineer, which she accepted by signing an agreement with the employer. The agreement specified, among other things, that her pay would be reduced to \$21 per hour, mostly to account for the benefits she would be eligible for as a full-time employee. While this change was explained in the agreement that claimant signed, she was ill at the time she signed it and therefore did not realize she would be receiving a pay cut. Once claimant realized that she had agreed to a pay cut, she became frustrated.

(4) By policy, the employer required field service engineers to call for a security detail when servicing equipment at sites deemed to be high-risk. The employer also made security details available for engineers who felt that jobs they were assigned to were dangerous. However, despite the fact that

claimant requested security details on multiple occasions when she felt that she had been assigned to dangerous or high-risk jobs, the employer typically failed to fulfill these requests.

(5) Starting in or around June 2025, claimant had difficulty servicing some of the equipment she was assigned to repair, primarily because the parts required on those occasions were too bulky or heavy for her to handle by herself. While the employer generally provided other employees to assist in such situations, claimant had difficulty obtaining assistance when she requested it.

(6) In July 2025, claimant filed a complaint with the Oregon Bureau of Labor and Industries (BOLI) against the employer. Based on her belief that male employees had been receiving higher wages and more training than her, claimant alleged in the complaint that the employer had been discriminating against her on the basis of her gender and age. The BOLI complaint was later dismissed.

(7) On or around September 2, 2025, claimant's immediate manager notified her that until further notice, she would no longer be permitted to service equipment at Chase banks in her territory. The manager did not tell claimant why she was being excluded from servicing Chase equipment. However, a more senior member of management had made the decision because Chase itself requested that claimant not be allowed back to their banks. The customer made this request because they believed, based on their security camera footage, that claimant had stolen money from one of their ATMs. Around that time, the employer's director of security began investigating the matter.

(8) Claimant, unaware of why the employer told her she was not allowed to service Chase equipment, believed that the employer had made the decision as retaliation for the BOLI complaint she had filed. Additionally, claimant was concerned that the decision would lead to a reduction in her earnings, as Chase locations accounted for a significant amount of her service calls. However, the employer never told claimant that they intended to cut her hours. Instead, they planned to "move her outside of her normal area to work banks that are not Chase related." Transcript at 37.

(9) After she was excluded from servicing Chase equipment, claimant continued to receive calls from Chase branch managers, requesting that she come to service their equipment. Because she did not know why she had been excluded from servicing Chase equipment, claimant stopped answering her work phone and decided that she was "done." Transcript at 9. At some point after claimant stopped answering her work phone, the director of security attempted to contact her as part of the investigation into the theft allegation. Claimant did not respond to his inquiry, and generally avoided other attempts by other employees to contact her during that time. On September 10, 2025, claimant sent the employer an email notifying them that she was quitting. Claimant did not work for the employer thereafter.

CONCLUSIONS AND REASONS: Claimant voluntarily quit 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).

A claimant who leaves work due to a reduction in hours “has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received.” OAR 471-030-0038(5)(e).

Claimant voluntarily quit work on September 10, 2025, approximately a week after the employer excluded her from servicing Chase equipment. At hearing, claimant raised several concerns about her working conditions, and the record suggests that all of those concerns contributed to her decision to quit. However, claimant testified that she quit at the particular time that she did because she “got... called off,” and subsequently did not know “how to answer the calls” from Chase branch managers. Transcript at 18. This testimony, when viewed with the timing of events (claimant’s other concerns had been ongoing for some time, whereas this concern had just arisen) shows that claimant’s exclusion from servicing Chase equipment was the proximate cause of her decision to quit. Claimant has not met her burden to show that this constituted a situation of such gravity that she had no reasonable alternative but to quit.

Claimant’s concern about being excluded from Chase appeared to have been based on two separate issues: that the decision to exclude her was retaliation for having filed a BOLI complaint; and that it would lead to a loss in income, essentially, because of reduced demand for her services.

As to the former, while claimant may not have been aware of the employer’s reason for excluding her from Chase, which led her to instead believe that it was retaliation, the record shows that the employer’s decision was not related to the BOLI complaint. Instead, it was done at the request of the customer themselves, after they viewed security footage which purportedly showed claimant stealing cash from one of their machines.¹ The record also shows that the director of security attempted to contact claimant before she quit, as part of the theft investigation, but that claimant did not respond to him. Had she done so, it stands to reason that she would have learned the actual reason for her exclusion from Chase.

To be clear, had the employer actually retaliated against claimant for filing a discrimination complaint against them, this may have been a grave reason for quitting. However, because the record shows that claimant had been excluded from Chase because of an investigation into her suspected wrongdoing, and at the request of the customer, the employer’s decision itself was not a situation of such gravity that claimant had no reasonable alternative but to quit. Thus, to the extent that claimant quit because she believed the employer was retaliating against her, she did not quit with good cause.

As to claimant’s concern about a loss of income, this also did not constitute good cause for quitting. The employer rebutted claimant’s assertion that she would actually suffer such a loss. At hearing, the employer’s witness explained that they planned to “move [claimant] outside of her normal area to work banks that are not Chase related” while she was excluded from Chase locations. Transcript at 37. It also stands to reason that if claimant had not stopped taking calls from the employer, or had inquired about this concern, she would have learned this fact and would therefore likely have realized that her concern was misplaced.

¹ The question of whether claimant actually stole cash from the customer is not resolved in the record, as claimant did not admit to doing so, and she elicited testimony from the employer’s witness which suggested that the customer might have mistaken claimant’s routine cash-handling duties for theft. *See* Transcript at 40. As the outcome in this matter does not turn on whether or not claimant stole from the customer, this decision does not address that question further.

Even if claimant's concern about the loss of income was correct, however, OAR 471-030-0038(5)(e) would bar a finding of good cause. The loss of income that claimant anticipated was, as she understood it, to be the result of her hours being cut due to no longer being allowed to service a customer who accounted for a large percentage of her workload. Thus, this concern was actually about a reduction in hours. However, claimant did not show either that the reduction in hours she believed was forthcoming would either interfere with her return to full time work, or that the cost of working would have exceeded the amount of remuneration she would have received for the work remaining to her. Therefore, claimant has not met her burden to show that such a reduction in hours, even if it occurred, would have constituted good cause for quitting.

For the above reasons, claimant voluntarily quit work without good cause, and therefore is disqualified from receiving unemployment insurance benefits effective September 7, 2025.

DECISION: Order No. 25-UI-311774 is affirmed.

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

DATE of Service: December 31, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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