EO: Intrastate
BYE: 30-May-2026

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

043
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0759

Affirmed
No Disqualification

PROCEDURAL HISTORY: On July 25, 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 May 25, 2025 (decision # L0012080265).[1] Claimant filed a timely request for hearing. On October 21, 2025 and continued to November 4, 2025, ALJ Griffith conducted a hearing, and on November 7, 2025 issued Order No. 25-UI-310018, reversing decision # L0012080265 by concluding that claimant voluntarily quit work with good cause, and therefore was not disqualified from receiving benefits based on the work separation. On December 1, 2025, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Pacific Wood Laminates, Inc. employed claimant, most recently as a veneer truck unloader, from May 12, 2024 through May 28, 2025. Before being hired on a permanent basis, claimant had been working for the employer through a staffing agency.

(2) The employer produced wood laminate products. As a veneer truck unloader, claimant's duties consisted of driving a forklift to unload product from trucks, taking the product into holding areas, and "staging them into different parts of the facility at the [veneer] dryers." October 21, 2025 Transcript at 40. The position required a certification to operate a forklift, which claimant had. Because of the demands of the employer's production process, the veneer truck unloader was required to work almost continuously so that the dryers did not run out of veneer.

(3) When claimant accepted the veneer truck unloader position, he believed that there would be two drivers working on his shift. However, this was not the case, and claimant typically worked as the sole

[1] Decision # L0012080265 stated that claimant was denied benefits from May 25, 2025 to May 30, 2026. However, decision # L0012080265 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.

unloader on his shift, even though an earlier shift employed two unloaders to manage the same workload. This often resulted in claimant feeling as if he had to work faster than he could safely do. The employer sometimes scheduled other employees to work overtime for four hours, typically two or three times per week, to provide support for claimant. However, because there was not another driver on duty during many of claimant's shifts, claimant often was not given his legally-mandated breaks, or was required to spend time finding other employees who could cover for him while he took his breaks.

(4) On or around March 31, 2025, claimant filed a complaint against the employer with the Occupational Safety and Health Administration (OSHA) because he felt that the employer had caused safety hazards by failing to properly maintain their equipment. Around the same time, claimant filed a complaint against the employer with the Oregon Bureau of Labor and Industries (BOLI) because he had not been receiving his legally-mandated breaks. While the OSHA complaint was closed without any action taken against the employer, the BOLI complaint remained outstanding as of at least October 21, 2025.

(5) On April 14, 2025, claimant sent an email to the employer's human resources (HR) manager, proposing that the employer hire another unloader to work alongside claimant, so as to resolve his concerns about an unsafe work pace and not consistently receiving his breaks. The HR manager scheduled claimant for a May 21, 2025 meeting to discuss his concerns. Claimant also raised these concerns with other members of management around that time, but no changes were made to address them.

(6) On May 21, 2025, claimant met with the HR manager as scheduled, reiterated his concerns, and formally explained his proposal. The HR manager told claimant that he would discuss the matter with members of upper management, which he then did. However, after these discussions, upper management concluded that there was no need to hire a second unloader as claimant had proposed. The HR manager told upper management that they were required to provide claimant with breaks. In response, management told the HR manager that "they agreed and they understood." October 21, 2025 Transcript at 39.

(7) On May 27, 2025, the HR manager met with claimant again to inform him of what had resulted from the discussions with upper management and presented claimant with three options: he could continue in his current position with no changes to working conditions, accept a demotion to an entry-level position, or resign. The HR manager also told claimant that if he continued in his position, the employer would "flex existing employees either out there to his work area or with overtime to cover" claimant's need for breaks. October 21, 2025 Transcript at 39.

(8) On May 28, 2025, claimant voluntarily quit work because of his concerns about workplace safety and the fact that he was not consistently able to take his legally-mandated breaks.

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 voluntarily quit work because of his concerns about workplace safety and because the employer did not consistently give him his legally-mandated breaks. As a preliminary matter, while claimant's concerns about the condition of the employer's work equipment were understandable, the record contains conflicting evidence regarding whether the issues with the equipment actually posed a safety risk, and claimant has not met his burden to show that they did. The record was clearer as to the safety risk posed by claimant having to consistently work at high speed, as the employer's witness testified at hearing that "[operating the forklift] at speed . . . could certainly be dangerous." October 21, 2025 Transcript at 42-43. Regardless of claimant's safety concerns, however, the record shows that the employer's failure to consistently provide him with legally-mandated breaks was a situation of such gravity that he had no reasonable alternative but to quit.

A reasonable and prudent person would not continue to work for an employer who consistently violated labor laws, as the record indicates that the employer had done by failing to ensure that claimant was able to take every break to which he was legally entitled.[2] Thus, claimant's situation was grave. Further, the record shows that claimant had no reasonable alternative but to quit. Claimant pursued several alternatives in an attempt to, among other things, persuade the employer to find the coverage necessary to ensure that claimant could take his breaks. This included multiple discussions with HR and management, as well as the filing of a BOLI complaint.

Claimant's discussions with HR and management showed that the employer would make no meaningful changes to address claimant's concerns, and that he could take a demotion, remain in his current position, or quit. It should be noted that the employer's witness explained at hearing that the HR manager advised upper management that they were required to provide claimant with breaks, to which management responded that "they agreed and they understood"; and that the HR manager subsequently told claimant that if he continued in his position, the employer would "flex existing employees either out there to his work area or with overtime to cover" claimant while he was on break. October 21, 2025 Transcript at 39.

While this suggests that the employer might have been willing to make more of an effort to ensure that claimant could take all of his required breaks, the record shows that the employer had already been engaging in these practices, and that they were insufficient to actually meet claimant's needs. Without a new showing of the employer's willingness to change their practices, the HR manager's mere recognition of what the employer should have been doing would not be enough to convince a reasonable and prudent person that the employer was actually planning to follow through to ensure claimant received his breaks. Thus, continuing to work for the employer in the hopes that they would start providing claimant with the coverage needed so that he could take all of his breaks would most likely have been futile, and therefore not a reasonable alternative to quitting. Likewise, a reasonable and prudent person would not accept a demotion in response to their legitimate concern about labor law violations. As such, this was not a reasonable alternative to quitting.

[2] *See generally former* OAR 839-020-0050 (effective January 19, 2024 through May 31, 2025).

Similarly, while claimant might have eventually been granted relief by way of the BOLI complaint, the record indicates that he had filed the complaint approximately two months prior to quitting, without any action on the agency's part. Thus, continuing to work for the employer while waiting for the agency to act and potentially resolve the situation would not have been 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); *compare Marian Estates v. Employment Department*, 158 Or App 630, 976 P2d 71 (1999) (where unfair labor practices have ceased and the only remaining dispute between claimant and the employer is the resolution of the past issues, it was reasonable for claimant to continue working for the employer while litigating the claim).

For the above reasons, claimant voluntarily quit work for a reason of such gravity that he had no reasonable alternative but to quit. Claimant therefore 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-310018 is affirmed.

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

DATE of Service: January 8, 2026

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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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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