

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0769**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On August 27, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits from July 20, 2025 to July 18, 2026 (decision # L0012618123). Claimant filed a timely request for hearing. On November 13, 2025, ALJ Andersen conducted a hearing, and on November 19, 2025 issued Order No. 25-UI-311374, modifying decision # L0012618123 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective July 13, 2025. On December 9, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant submitted written arguments on December 9, 2025 and December 19, 2025. As to the December 9, 2025 argument, the argument 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. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's December 9, 2025 argument that were based on the hearing record.

As to claimant's December 19, 2025 argument, EAB did not consider it because 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).

**FINDINGS OF FACT:** (1) TJ Nisbet Construction, Inc. employed claimant, most recently as a finishing carpenter, from January 2, 2023 until July 19, 2025.

(2) Claimant's work for the employer required her to travel long distances to the employer's work sites. The employer had some company vehicles, but typically assigned those vehicles to other employees. The only situation in which claimant was assigned a company vehicle to travel to a work site was when

she was assigned to a work site in a state other than Oregon, which rarely occurred. As a result, claimant almost always used her personal vehicle to travel to the employer's work sites.

(3) In the months leading up to claimant's work separation, she was in financial distress. She earned \$25 per hour, and had never received a pay raise from the employer. Claimant's husband had a terminal illness and claimant was the sole breadwinner for her two teenage daughters. Claimant absorbed the cost of wear and tear to her car when using it to travel to work sites. Though claimant was eligible for mileage reimbursement for miles driven more than 30 miles from the employer's office, throughout her employment claimant was unaware of the mileage reimbursement and the employer did not specifically make her aware of the option. Claimant was also not provided a fuel card unless she was driving one of the company vehicles. As such, claimant usually absorbed the cost of fuel when using her car to travel to work sites. At times, claimant borrowed money from extended family in order to pay for gas.

(4) Over the course of claimant's approximately two and a half years of employment, she drove about 38,000 miles for work. During that period, claimant acquired, and then drove to the end of their driving lives, two separate cars. Claimant acquired a third car but, in the months leading up to her work separation, had stopped paying the insurance premiums on the car because she could not afford to make the payments.

(5) On July 18, 2025, claimant worked for the employer. After her shift ended, claimant went to a convenience store and while inside shopping, her car was struck by another driver and sustained damage. The damage prevented the driver's door from closing and locking properly. Claimant routinely kept expensive work tools that belonged to the employer in the car. Fearing theft of the tools, claimant dropped the tools off at the employer's office late that night. When she did so, she sent the employer's owner a text advising of the damage to her car and that she had put the tools in the office. The owner did not respond.

(6) On the morning of July 19, 2025, claimant determined that the inability to close and lock the door meant she could not keep the tools in the car, making the car unsuitable for driving to work sites unless it was repaired, which claimant could not afford. At 8:08 a.m., claimant texted the employer's human resources (HR) manager advising of the damage to her car, and stating that "the expenses of being employed are far more than [she] can financially bear." Exhibit 1 at 4. Claimant stated that she was giving her two weeks' notice of resignation but did not specify when precisely her resignation would be effective. The HR manager texted back, asking when claimant's last day would be.

(7) After sending her text on the morning of July 19, 2025, claimant learned there was frame damage to the car and that it could not be driven safely unless it was repaired, which she could not afford. Midday on July 19, 2025, claimant sent the HR manager another text stating that there was frame damage to her car and the previous day would be her last day working for the employer. Claimant resigned on July 19, 2025 and never worked for the employer again.

(8) Prior to leaving work, claimant did not ask to use one of the employer's company vehicles instead of her damaged car. If she had done so, the employer would have considered allowing her to use a company vehicle to travel to work sites on a temporary basis while claimant got her car repaired. However, at the time claimant quit, the employer did not have any company vehicles available, as the

vehicles were booked to be used for deliveries. Also, claimant could not afford to repair her car at the time.

**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).

Claimant quit work for several reasons. Claimant testified that she resigned because she could not bear the expenses of working for the employer. Transcript at 8. Claimant also testified that the employer scheduled her to work fluctuating and sometimes reduced hours in the period leading up to her work separation, and suggested that was a reason she resigned. Transcript at 9, 11. Claimant also alleged that the employer undercounted or misapplied her accrued paid time off and subjected her to disparate treatment compared to male employees, and implied that those issues factored into her decision to quit. Transcript at 8, 10, 12, 28-31, 39-40.

However, the record shows that claimant stated in her midday July 19, 2025 text message that her resignation was effective then because her car had sustained frame damage. This latter reason was therefore one of the reasons claimant quit and because this reason supplies good cause, claimant’s other reasons for leaving work need not be addressed.

Claimant’s damaged car presented her with a grave situation. Use of her car to travel to work sites was necessary to carry out her job for the employer. However, the car had sustained frame damage and could not be driven safely. Claimant was therefore unable to safely perform the essential task of traveling to the employer’s work sites. A reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work when presented with a situation in which they could not safely carry out an essential aspect of their job.

Claimant had no reasonable alternative but to quit when she did. If claimant had asked, the employer may have considered allowing her to use a company vehicle to travel to work sites on a temporary basis while claimant got her car repaired. However, the employer did not communicate this information to claimant, despite awareness of claimant’s damaged vehicle. Transcript at 24. Moreover, at the time claimant quit, the employer did not actually have any company vehicles available, as the vehicles were booked to be used for deliveries. Transcript at 24-25. Therefore, using a company vehicle to travel to work was not a reasonable alternative. *See Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996) (for a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual). Also, claimant could not afford to repair her car. Accordingly, neither repairing her car nor requesting to use one of the employer’s vehicles to travel to work sites were reasonable alternatives to quitting work.

Thus, claimant was presented with a situation of such gravity that she had no reasonable alternative but to leave work when she did. 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-311374 is set aside, as outlined above.

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

**DATE of Service:** January 16, 2026

**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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