

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0787

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On September 19, 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 # L0013025136).¹ Claimant filed a timely request for hearing. On December 1, 2025, ALJ Murray conducted a hearing, and on December 2, 2025 issued Order No. 25-UI-312661, affirming decision # L0013025136. On December 17, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because he did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

FINDINGS OF FACT: (1) Rogue Truck Body, LLC employed claimant as a maintenance worker from March 24, 2025 until May 29, 2025.

(2) As part of his job duties, claimant was required to use a weed eater to cut grass and weeds on the employer's premises.

(3) Upon hire, the employer issued claimant work gloves and safety goggles for use while operating the weed eater. Additional safety equipment, such as face shields or heavier gloves, were available if requested. Claimant had never asked for a face shield to perform the weed eating task, and was not aware they were available upon request.

¹ Decision # L0013025136 stated that claimant was denied benefits from May 25, 2025 to January 24, 2026. However, decision # L0013025136 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.

(4) On an occasion during claimant's employment before May 29, 2025, claimant was assigned to use the weed eater in a particular area of the employer's premises. When claimant did so, he found that poison oak was present in the area. Claimant raised the presence of poison oak in the area with his supervisor, and the supervisor told claimant to avoid that area and use the weed eater in a different location.

(5) On May 29, 2025, claimant was using the weed eater on the employer's premises. Claimant was wearing his prescription glasses to protect his eyes but kept getting hit in the face by small rocks and debris that flew up from the ground. Claimant was "peppered" by the debris but not physically injured. Audio Record at 9:05.

(6) Claimant wished to use a face shield while using the weed eater. Claimant believed that the Oregon Occupational Safety and Health Administration (OSHA) required employers to have face shields available for employees to use when operating a weed eater. Claimant tried calling his supervisor, G, "to see if there was something else we could do." Audio Record at 8:29. However, claimant could not reach G and left a voicemail.

(7) Rather than wait for the supervisor to return his call, claimant decided to quit working for the employer. As claimant was leaving the employer's premises, he spoke to his immediate boss, R. Rather than ask R for a face shield, claimant simply told him that he was quitting, to which R responded, "sorry it didn't work out." Audio Record at 10:50. Claimant then drove home. As claimant pulled into his driveway, G attempted to return his call. Claimant did not answer his phone when G called.

(8) The employer had a face shield available for claimant to use on May 29, 2025, if he had asked for it. Prior to quitting work, claimant did not contact the employer's human resources (HR) director to request a face shield or otherwise raise his concerns about debris hitting his face while using the weed eater. If he had done so, the HR director would have ensured claimant was provided with a face shield. After claimant quit, he made a complaint to OSHA asserting that the employer failed to have proper safety equipment available for employees. When he received this complaint, the HR manager learned for the first time that claimant had wished to have a face shield while using the weed eater.

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).

Claimant voluntarily left work without good cause. Claimant faced a grave situation. On May 29, 2025, claimant was assigned to use the weed eater, and though he had eye protection, was continually hit in the face by small rocks and debris that flew up from the ground. As claimant had no face protection and the debris had the potential to cause injury to claimant's face, claimant was presented with a situation of gravity.

However, claimant failed to pursue reasonable alternatives to leaving work. A face shield was available for claimant to use on May 29, 2025, if he had asked for it. Though claimant was not aware that he could be provided with a face shield, it was reasonable to expect him to ask whether one was available before quitting work due to lack of face protection.

Before he left work, claimant did call his supervisor, G, “to see if there was something else we could do.” Claimant could not reach G, and left a voicemail. Rather than simply refrain from weed eating until G returned his call, claimant abruptly quit and then when G attempted to return his call, did not answer his phone. Claimant could have asked his immediate boss, R, if a face shield was available, but rather than do so, claimant simply told R he was quitting work and departed the workplace. Claimant could have requested a face shield from the employer’s HR director, and if he had done so, the HR director would have ensured that claimant was provided with one. However, claimant never raised the matter with the HR director, and the first the HR director learned of claimant’s desire for a face shield was when he received claimant’s OSHA complaint.

Claimant did not have a reasonable basis to believe that requesting a face shield from the employer would have been futile. Claimant had previously raised the presence of poison oak in an area where he was assigned to use the weed eater, and the supervisor had been responsive to that issue by telling claimant to avoid the area of the poison oak and weed eat in a different location. Given the responsiveness shown on the poison oak issue, a reasonable and prudent person in claimant’s position would believe that the employer would be responsive if claimant had asked for a face shield.

For these reasons, claimant voluntarily left work without good cause and is disqualified from receiving unemployment insurance benefits effective May 25, 2025.

DECISION: Order No. 25-UI-312661 is affirmed.

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

DATE of Service: January 23, 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 Tự 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 – សេចក្តីសម្រាប់នាមដានដល់ប៉ះពាល់ដល់អត្ថប្រយោជន៍ត្រានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នេះ សូមទាក់ទងគណៈកម្មការខ្លួនរបស់ការងារភ្នាម។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នេះទេ លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បាប់នាមនានការពិនិត្យឱ្យក្នុងវិញ្ញាបាមួយគុណខ្លួនរណ៍ដើម្បី Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសាសនាឌានីខាងចែងបញ្ចប់នៃសេចក្តីសម្រាប់នេះ។

Laotian

ເອີໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທິບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການທ່ວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບຫວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໄດ້ປະຕິບັດຕາມຄໍາແນະນຸງໃຫ້ປະກໄວ້ຢ່າງຍໍາຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للبرلمانية القانونية بمحكمة الاستئناف بأورغون وذلك باتخاذ الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فر جام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پیان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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