

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0809**

*Modified  
Late Request for Hearing Allowed  
Disqualification effective October 13, 2024  
Overpayment*

**PROCEDURAL HISTORY:** On November 7, 2024, 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 October 13, 2024; and that claimant received benefits to which he was not entitled and was liable for an overpayment of \$190 in benefits that he was required to repay to the Department (decision # L0007034191).<sup>1</sup> On November 27, 2024, decision # L0007034191 became final without claimant having filed a request for hearing. On November 28, 2024, claimant filed a late request for hearing. On November 21, 2025, ALJ S. Lee conducted a hearing, and on December 4, 2025, issued Order No. 25-UI-312867, allowing claimant's late request for hearing, and modifying decision # L0007034191 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective August 18, 2024, and was liable to repay a \$190 overpayment of benefits received or have that amount waived if eligible.<sup>2</sup> On December 23, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**PARTIAL ADOPTION:** EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the parts of Order No. 25-UI-312867 allowing claimant's late request for hearing and concluding that claimant was liable to repay a \$190 overpayment of unemployment insurance benefits received or have that amount waived if eligible. Those parts of Order No. 25-UI-312867 are **adopted**. *See* ORS 657.275(2).

<sup>1</sup> Decision # L0007034191 stated that claimant was denied benefits from October 20, 2024 to April 5, 2025. However, as decision # L0007034191 stated that claimant's work separation occurred on October 18, 2024, the administrative decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, October 13, 2024 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

<sup>2</sup> Although Order No. 25-UI-312867 stated it affirmed decision # L0007034191, it modified that decision by changing the beginning date of the disqualification to August 18, 2024. Order No. 25-UI-312867 at 7.

**FINDINGS OF FACT:** (1) Staffing Partners, LLC employed claimant on a work assignment for the client employer Emerald Door from July 22, 2024 until October 18, 2024. The employer was a temporary agency, and, over the years, they had assigned claimant to work assignments for various clients prior to claimant's assignment with Emerald Door.

(2) The Emerald Door assignment was to proceed for 90 days, after which Emerald Door would either hire claimant as their own employee or continue claimant's work assignment indefinitely, in a role claimant regarded as a "permanent temp position." Transcript at 17.

(3) The Emerald Door assignment required claimant to assemble door frames. The work was heavy and awkward. Over time, the work caused claimant to develop a "pinch point" in his shoulder joint that was painful and limited claimant's mobility. Transcript at 28.

(4) In early October 2024, claimant learned from speaking with some Emerald Door employees that his door frame assembly job had previously been done by two individuals. The discussions with the employees also led claimant to believe that Emerald Door would not hire him after 90 days. Claimant attributed his shoulder injury to being made to perform the job alone and not as intended. Claimant felt the Emerald Door assignment was exploiting him and believed that he could recover from the shoulder injury if he stopped doing the door assembly task and recuperated on his own. Claimant also felt that there was "no future" at Emerald Door because he believed that they would not hire him as an employee. Transcript at 23.

(5) On October 15 or 16, 2024, claimant contacted the employer, stated that the Emerald Door assignment was too strenuous, and asked that the work assignment with Emerald Door be ended and to be reassigned to a different client employer. The employer told claimant that they would do so, and on October 18, 2024, they ended claimant's assignment with Emerald Door.

(6) Prior to ending the work assignment, claimant did not tell either the employer or Emerald Door that the assembly task was injuring his shoulder and request an accommodation. If claimant had raised the matter with the employer, they would have contacted Emerald Door and requested that claimant be offered assistance or moved to a different work task. Though claimant had Oregon Health Plan coverage, he did not seek medical treatment for his shoulder injury prior to ending the work assignment. Claimant also could have filed a worker's compensation claim for his shoulder injury but did not do so because he concluded Emerald Door "wouldn't want to deal with a . . . claim" since he was not their employee. Transcript at 19.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work without good cause.

**Nature of the Work Separation.** A work separation occurs when a claimant or employer ends the employer-employee relationship.

If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b).

Because the employer was a temporary agency, the employment relationship was severed when claimant's work assignment ended. OAR 471-030-0038(1)(a).

The work separation was a voluntary leaving that occurred on October 18, 2024. On October 15 or 16, 2024, claimant contacted the employer and asked that the assignment with Emerald Door be ended and to be given a new assignment with a different client. At claimant's request, the employer then ended the assignment on October 18, 2025. Though the initial 90-day period of claimant's assignment was nearing its conclusion when claimant asked for the assignment to be ended, and claimant believed that Emerald Door would not hire him as their employee at the 90-day mark, claimant could have continued working in the assignment indefinitely, in a "permanent temp position" role. Therefore, claimant could have continued to work for an additional period of time but, when he asked for the assignment to be ended, showed that he was unwilling to do so. Per claimant's request, the work assignment was ended on October 18, 2024. Accordingly, the work separation was a voluntary leaving that occurred on October 18, 2024.

**Voluntary Leaving.** 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). "[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 working for the employer because the door assembly work for Emerald Door injured his shoulder, and he felt the assignment was exploitative because he was made to perform the task alone and not as intended. Claimant's belief that Emerald Door would not hire him as their employee at the 90-day mark also factored into claimant's decision to quit.

To the extent claimant left work because of his shoulder injury, claimant quit work without good cause. Though the shoulder injury presented claimant with a situation of gravity, claimant did not pursue reasonable alternatives before leaving work. Prior to ending the work assignment, claimant did not tell either the employer or Emerald Door that the assembly task was injuring his shoulder and request an accommodation. Had he raised the matter with the employer, they would have contacted Emerald Door and requested that claimant be offered assistance or moved to a different work task. Prior to quitting work, claimant also did not seek medical care or treatment for his shoulder injury or file a worker's compensation claim. These efforts likely would have helped claimant's shoulder to heal and prompted Emerald Door to offer claimant help with the door assembly or give him a different task to do.

To the extent that claimant left work because he believed that Emerald Door would not hire him as their employee at the 90-day mark, claimant quit work without good cause. The possibility that claimant would not be hired by Emerald Door at the 90-day mark did not present claimant with a situation of gravity because even if they did not hire him, claimant could have continued in the work assignment indefinitely in a "permanent temp" role.

For these reasons, claimant voluntarily quit work without good cause and is disqualified from receiving unemployment insurance benefits effective October 13, 2024. Note that the order under review

incorrectly concluded that claimant was disqualified from receiving benefits effective August 18, 2024. Order No. 25-UI-312867 at 6. Because claimant quit on October 18, 2024, however, the order is modified to reflect that the date of disqualification is October 13, 2024.

**DECISION:** Order No. 25-UI-312867 is modified, as outlined above.

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

**DATE of Service: January 29, 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، ممکن است از استفاده از دستور العمل موجود در پیاز آن، از دادگاه تجدید نظر اور گان در خواست تجدید نظر کنید.

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

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