

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0013**

*Modified*  
*Request to Reopen Allowed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On August 20, 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 4, 2025 (decision # L0012549931).<sup>1</sup> Claimant filed a timely request for hearing. On September 22, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 7, 2025. On October 7, 2025, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Order No. 25-UI-306193, dismissing claimant's request for hearing due to her failure to appear. On October 10, 2025, claimant filed a timely request to reopen the hearing. On December 16, 2025, ALJ Enyinnaya conducted a hearing at which the Department failed to appear, and on December 23, 2025 issued Order No. 25-UI-315173, canceling Order No. 25-UI-306193, allowing claimant's request to reopen the hearing, and affirming decision # L0012549931 on the merits. On December 29, 2025, claimant filed an application for review of Order No. 25-UI-315173 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 part of Order No. 25-UI-315173 allowing claimant's request to reopen the hearing. That part of Order No. 25-UI-315173 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) Yellow Cab Medical Transport, LLC employed claimant as a medical transport driver from October 2024 through May 9, 2025.

<sup>1</sup> Decision # L0012549931 stated that claimant was denied benefits from May 4, 2025 to July 11, 2026. However, decision # L0012549931 should have said that claimant was disqualified from receiving benefits beginning Sunday, May 4, 2025 and until she earned four times her weekly benefit amount. See ORS 657.176.

(2) On February 1, 2025, while driving a work vehicle for the employer, claimant was involved in a serious motor vehicle accident in which the vehicle rolled over several times. This was claimant's final shift for the employer. Claimant suffered several physical injuries in the accident, including a broken vertebra, a piece of glass lodged in her finger, and bruising around her midsection and hip. Claimant was also "mentally and emotionally fractured and scarred from . . . the accident." Transcript at 12.

(3) Claimant filed a workers' compensation claim for her injuries and took leave from work following the accident. Claimant was taken to the emergency room for treatment following the accident, sought care via a workers' compensation physician, and was also treated with physical therapy and massage. Claimant did not seek or receive mental health treatment.

(4) Based on her medical progress, claimant's physician cleared her to return to light-duty work, which did not include driving, on May 9, 2025. The employer did not already have an open position with light duty work available for claimant. However, at the direction of the employer's workers' compensation carrier, the employer created a light-duty position for claimant, which would have included tasks such as filing, data entry, answering telephone calls and making outbound calls, and verifying patient appointments. Because the employer did not already have an open position including these tasks, the employer intended to pull duties from other positions to create the position for claimant. On May 8, 2025, the employer provided claimant with an offer letter for the light-duty position, to start the following day.

(5) On May 9, 2025, claimant received the offer letter. She then went to speak to the owner of the business at the employer's office, declined the offer, and quit. Claimant declined the light-duty offer and quit because she was "traumatized" from the motor vehicle accident; did not want to drive professionally again or be involved in the field any longer; and felt that the employer would eventually assign her driving duties again because of how the offered position was created. Transcript at 16.

(6) Prior to quitting, claimant did not request further time off from work. Had she done so, the employer would have granted her additional leave.

**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 on May 9, 2025, the day she had been scheduled to return to work following a serious on-the-job accident three months prior. She did so in response to the employer's offer to return her to light-duty work, which would not have involved driving. At hearing, claimant's explanations for why she quit included that she was "traumatized" from the motor vehicle accident; did not want to drive professionally again or be involved in the field any longer; and felt that the employer would eventually assign her driving duties again because of how the offered position was created.

Likewise, the owner testified to her belief that claimant declined the job offer because “it was a traumatic accident,” and because claimant did not wish to “be reminded [of the accident] every day when people are coming in and out doing their driving job.” Transcript at 23.

The above indicates that claimant’s overall reason for declining the light-duty job offer and quitting was the fact that, due to the psychological trauma of being in the motor vehicle accident, claimant could no longer work for the employer (or any similar employer) in any capacity without being reminded of the accident. It should be noted that, presumably because claimant did not receive mental health treatment following the accident, the record does not show that claimant had a diagnosis of post-traumatic stress disorder (PTSD) or similar. Even without such a diagnosis, however, it is reasonable to infer from the record that returning to work for the employer, and being regularly reminded of the type of work that resulted in her injuries, would have re-traumatized claimant. Thus, claimant’s circumstances were grave.

While the order under review determined, similarly, that “claimant’s mental health was a grave situation,” it nevertheless concluded that claimant quit without good cause because she failed to seek the reasonable alternatives of taking additional medical leave to seek mental health treatment, or accepting the employer’s offer of a light-duty position “while she looked for more suitable work.” Order No. 25-UI-315173 at 4–5. The record does not support this conclusion.

As to taking additional medical leave and seeking mental health treatment, this was not a reasonable alternative to quitting. Even if both options were available to claimant—and the record does not show that mental health treatment was available to her—any such additional leave allowed by the employer would presumably have been unpaid. Further, given the complex nature of psychological treatment for trauma-related conditions, claimant could not reasonably have determined at the outset how long such treatment would take before she was sufficiently recovered to return to work without activating her trauma, or if such an outcome was even feasible. This, coupled with the possibility of a delay in beginning treatment due to the availability of mental health providers, would have meant that, had claimant taken additional leave to seek mental health treatment, claimant would have faced a likely-unpaid leave of absence of indeterminate length. This would not have been a reasonable alternative to quitting.<sup>2</sup>

Likewise, accepting the employer’s offer of a light-duty position while looking for more suitable work would not have been a reasonable alternative to quitting. Under *Warkentin v. Employment Dep’t.*, 245 Or App 128, 261 P3d 72 (2011), if an individual’s reason for quitting was grave, continuing to work until the individual found other work was not a reasonable alternative to quitting when they did; see *accord Campbell v. Employment Dep’t.*, 245 Or App 573, 263 P3d 1122 (2011); *Strutz v. Employment Dep’t.*, 247 Or App 439, 270 P3d 357 (2011); *Campbell v. Employment Dep’t.*, 256 Or App 682, 303 P3d 957 (2013). As explained above, claimant’s situation was grave, in that returning to work for the employer in any capacity would have re-traumatized her. Continuing to work in grave circumstances is not a reasonable alternative to quitting. Therefore, claimant’s failure to do so is not a bar to a finding of good cause.

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<sup>2</sup> See *Sothras v. Employment Division*, 48 Or App 69, 616 P2d 524 (1980) (despite being on an unpaid leave of absence for more than a month claimant remained unable to return to work; the court held that “a protracted, unpaid leave of absence is not a ‘reasonable alternative’ to leaving work and being unemployed; indeed it is not an alternative at all”); *Taylor v. Employment Division*, 66 Or App 313, 674 P2d 64 (1984) (claimant had good cause to leave work after being suspended without pay for over a month, and there was no end in sight to the suspension).

For the above reasons, claimant voluntarily quit work for a reason of such gravity that she had no reasonable alternative 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-315173 is modified, as outlined above.

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

**DATE of Service:** February 5, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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