

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0020

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 7, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective August 24, 2025 (decision # L0013383252).¹ Claimant filed a timely request for hearing. On December 15, 2025, ALJ Goodrich conducted a hearing, and on December 18, 2025 issued Order No. 25-UI-314775, affirming decision # L0013383252. On January 2, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) MD1313 Eugene, Inc. employed claimant as a gas station cook and clerk from 2022 until August 28, 2025.

(2) On April 26, 2025, the business was sold to new owners. Following the sale, one of the former owners, J, remained employed by the business and supervised claimant.

(3) Claimant worked full time until the change in ownership. At some point between May 2025 and July 2025, the employer reduced most employees' work hours to 32 per week, including claimant's work hours.

(4) On approximately August 1, 2025, the employer announced further reductions in work hours, and claimant's hours were reduced to 24 per week, in line with the hours allocated to most other employees. Claimant did not seek full-time work with other employers following the reduction in hours.

(5) On August 11, 2025, claimant left work early because she did not feel well, and did not notify management that she was leaving. Claimant discovered the next day that the illness was caused by a

¹ Decision # L0013383252 stated that claimant was denied benefits from August 24, 2025 to August 29, 2026. However, decision # L0013383252 should have stated that claimant was disqualified from receiving benefits beginning Sunday, August 24, 2025, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

tooth, which she then had extracted. After the procedure, claimant explained to J what had happened. J replied that claimant “had some fucking nerve leaving” and that claimant’s work hours would be further cut to eight per week. Transcript at 12. Claimant was upset by both the insensitive remark and the prospect of her work hours being further reduced. Despite what J told claimant, the employer intended to maintain claimant’s work hours at 24 per week.

(6) Over the next two weeks, claimant felt “bullied” by J because J would come into the store on her days off and tell claimant that she “wasn’t doing things right.” Transcript at 21, 29. Claimant also felt “singled out” for reductions in work hours, even though the reductions applied to nearly all employees, including J. Transcript at 29. Claimant believed that hours were being reduced for most employees so that one employee, A, could be offered more than 40 hours per week. However, the hours were allocated among employees based only on business needs.

(7) On August 25, 2025, claimant spoke with the owner by telephone, primarily about the reduction in hours. The owner told claimant that she was not being singled out, and that she would continue to be scheduled for 24 hours per week. During the conversation, claimant did not report feeling bullied by J or ask for the owner’s assistance in dealing with J. Had claimant reported to the owner that J had been bullying or mistreating her, the owner would have investigated the complaint and intervened as appropriate.

(8) On August 28, 2025, claimant was working when J, who was not working, stopped in the store and told claimant that she was “cooking breakfast wrong.” Transcript at 23. Claimant replied that she had been cooking it that way for the past three years, then J “rolled her eyes at [claimant] and left.” Transcript at 23. Claimant then texted the owner that she was quitting work immediately due to being “singled out” in a work schedule that had been posted that day, and because of “very unsettling” working conditions. Transcript at 34. Claimant left during her shift and did not work for the employer again. The schedule posted that day had assigned claimant 24 hours of work for the applicable week.

(9) Claimant’s round-trip commute from home to the gas station was 26 miles, at an approximate commuting cost of \$40 per week. Claimant was paid \$18 per hour in August 2025.

CONCLUSIONS AND REASONS: Claimant voluntarily quit 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).

A claimant who leaves work due to a reduction in hours “has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received.” OAR 471-030-0038(5)(e).

Claimant quit work due to her dissatisfaction with her hours being reduced, and with J's recent behavior toward her. To the extent claimant left due to the reduction in hours from 40 to 24 per week, claimant did not show that the cost of working exceeded the amount of remuneration received. Earning \$18 per hour, claimant was paid \$432 for a 24-hour workweek, which exceeded the approximately \$40 in weekly commuting expenses she incurred. Moreover, claimant did not assert that she was seeking full-time work from other employers after learning that her hours would be reduced, and the record does not suggest that continuing to work part time for the employer would have interfered with her ability to obtain full-time work elsewhere. Therefore, the reduction in hours was not good cause for leaving work under OAR 471-030-0038(5)(e).

Claimant's assertion that she was "singled out" for a reduction in hours is not supported by the record, which shows that the hours of nearly all employees were reduced by roughly the same amount, while only one employee, A, continued to receive more than 40 hours per week. Claimant failed to rebut the owner's testimony which suggested that the hours were allocated to employees based on business needs, and claimant did not assert that the allocations were made based on impermissible factors, such as unlawful discrimination. *See* Transcript at 57-59. Therefore, claimant did not face a grave situation based on the allocation of hours among employees.

Claimant also quit due to working conditions she found "very unsettling," which largely involved J's treatment of her during August 2025. Transcript at 34. This treatment included J making an insensitive remark using foul language on August 12, 2025, in response to claimant explaining why she had left her shift without notice to management the previous day; and at other times, including when J was not scheduled to work, coming to the store and criticizing how claimant performed her work. The record suggests that claimant had a good working relationship with J, who co-owned the business until April 2025, throughout the more than three years claimant was employed, except during August 2025. While J's actions during August 2025 were upsetting to claimant, the insensitive remark using foul language appeared to be an isolated incident, and a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work because of it, or because of J's occasional criticism of her performance. As such, claimant did not face a grave situation.

Moreover, even if claimant had faced a grave situation based on J's treatment of her, she had the reasonable alternative of seeking assistance from the current owner. The owner testified that claimant never complained about J's behavior to him or asked him to intervene in the matter. Transcript at 35-36, 38, 41. Claimant initially testified that she did not discuss J with the owner during their August 2025 conversations about the reductions in hours. Transcript at 26. Claimant was asked at hearing if she "ever talk[ed] to [the owner] about [J's] treatment before [she] decided to leave," and claimant responded, in relevant part, "[J]ust in person for a quick second." Transcript at 26. Claimant later testified that she spoke with the owner about "[h]ow [J] was being awful" during an August 25, 2025 call concerning sick leave benefits, and that the owner "didn't really address that." Transcript at 28. Claimant also testified that she did not "recall anything specific [regarding] asking for help" to resolve her issues with J. Transcript at 8. In weighing this testimony, claimant has not shown by a preponderance of the evidence that she ever complained to the owner about J's behavior before quitting work, and the facts have been found accordingly. The owner further testified that he would have intervened had he been aware of claimant's complaints about J. Transcript at 41. Therefore, claimant raising the matter with the owner would have been a reasonable alternative to leaving work. Accordingly, claimant did not quit work for a

reason of such gravity that she had no reasonable alternative but to leave work, and therefore quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective August 24, 2025.

DECISION: Order No. 25-UI-314775 is affirmed.

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

DATE of Service: February 12, 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 محكمة 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711
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