EO: Intrastate
BYE: 06-Dec-2025

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

844
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0030

Reversed & Remanded

PROCEDURAL HISTORY: On October 15, 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 September 21, 2025 (decision # L0013383933).[1] Claimant filed a timely request for hearing. On December 26, 2025, ALJ Micheletti conducted a hearing, and on January 2, 2026 issued Order No. 26-UI-315904, affirming decision # L0013383933. On January 5, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: 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). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

The parties may offer new information such as that contained in the written argument into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

FINDINGS OF FACT: (1) Brighton Hospice Eugene, LLC employed claimant as a certified nursing assistant from April 14, 2025 through September 24, 2025.

[1] Decision # L0013383933 stated that claimant was denied benefits from September 21, 2025 to December 6, 2025. However, decision # L0013383933 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 21, 2025, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

(2) In 2015, claimant was diagnosed with an anxiety disorder. Claimant continued to experience symptoms and receive treatment for this condition while working for the employer. In September 2025, claimant felt anxious about, among other things, an upcoming court appearance regarding modification of a child support order on October 3, 2025.

(3) Claimant provided care for two children, a 17-year-old daughter and 9-year-old son. The son had "special needs" due to mental and behavioral health conditions, and claimant was "getting daily phone calls [from his school], pretty much, [and] having to pick him up a lot." Transcript at 7. The son was typically dropped off at home by bus at 2:40 p.m. On days when claimant worked later than that time, she had her daughter leave school early to care for her son. During the 2025 summer break between terms, the son's grandparents provided care while claimant was at work. However, the grandparents returned to their home in a distant state during the school year.

(4) At some point prior to September 2025, claimant enrolled in a full-time nursing program at a local college, to begin on September 25, 2025. Claimant had previously been taking classes for several years. The schedule of the new program directly conflicted with claimant's work schedule. Claimant therefore requested that the employer allow her to work on a part-time, as-needed basis around her school schedule, amounting to 14 hours or less per week. The employer declined the request as not meeting their business needs.

(5) On September 10, 2025, claimant gave written notice to the employer of her intent to resign, effective September 24, 2025. Claimant stopped working for the employer as planned on September 24, 2025, and began the nursing program the following day. Claimant was not eligible for protected leave at the time she quit work due to the length of time she had worked for the employer. Claimant did not explore other leave options prior to quitting work.

CONCLUSIONS AND REASONS: Order No. 26-UI-315904 is set aside and the matter remanded for further development of the record.

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 Depart.*, 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 Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had an anxiety disorder, a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h).

Per OAR 471-030-0038(5)(g), leaving work with good cause includes, but is not limited to, leaving work due to compelling family reasons. "Compelling family reasons" is defined under OAR 471-030-0038(1)(e) as follows:

* * *

> (B) The illness or disability of a member of the individual's immediate family necessitates care by another and the individual's employer does not accommodate the employee's request for time off; or
>
> * * *

Per OAR 471-030-0038(5)(b)(D), leaving work without good cause includes "[l]eaving to attend school, unless required by law[.]"

Claimant quit working for the employer on September 24, 2025, primarily because she was to begin a full-time nursing program the following day that directly conflicted with her work schedule. The order under review correctly concluded that, under OAR 471-030-0038(5)(b)(D), this was not good cause for leaving work. Order No. 26-UI-315904 at 2. However, claimant asserted that other reasons factored into her decision to quit work when she did, and the order did not analyze whether those reasons amounted to good cause.

Claimant testified that around the time she submitted notice of her resignation she was experiencing "stress" due to an impending October 3, 2025 court hearing regarding her ex-husband's motion to "drop child support for our kids." Transcript at 6. However, as claimant continued working through the two-week notice period and immediately thereafter attended a full-time nursing program through the October 3, 2025 court date, it is reasonable to infer that the effects of this situation on claimant's mental health would not have significantly impacted her ability to continue to work for the employer beyond September 24, 2025. As such, a reasonable prudent person with the characteristics and qualities of a person with an impairment such as claimant's would not have quit work for that reason. Moreover, even if stress concerning the impending court date had impacted claimant's ability to work, it would have been reasonable for her to request a brief period of leave from September 24, 2025 through October 3, 2025 as an alternative to quitting, given the proximity in time of the court date. Claimant did not explore this alternative. As such, to the extent claimant quit work for this reason, she did so without good cause.

Claimant also testified that she quit, in part, due to childcare concerns involving her 9-year-old son. It is reasonable to infer that due to both his age and health diagnoses, claimant's son required supervision at all times. On school days, claimant's son was typically dropped off at home by bus at 2:40 p.m., though claimant suggested that she was frequently asked to pick him up from school early due to behavioral issues. The record contains conflicting information regarding claimant's work schedule and therefore whether she was available to be with her son when he arrived home from school. Claimant testified that she worked only Monday through Friday, that she typically started work at 7:00 or 7:30 a.m., and that she finished work between 2:00 and 4:00 p.m. Transcript at 10, 12-13. However, claimant also testified that she worked at least 40, and often "close to 60," hours per week, which is inconsistent with those start and end times. Transcript at 10. Furthermore, while the employer would not allow claimant a part-time schedule, it is unclear if claimant had the flexibility to refuse overtime work and begin and end her workday such that she could arrive home by 2:40 p.m. It is also unclear what options claimant had for afterschool childcare, other than having her older daughter leave school early to provide care, such as having the child's father, other adult relatives, or paid caregivers provide care. Therefore, further development of the record is warranted to determine whether claimant's childcare needs constituted a grave situation and, if so, whether she had a reasonable alternative to leaving work for this reason.

On remand, inquiry should be made into whether the employer would have allowed claimant a work schedule that ended before 2:40 p.m. each day; whether the employer would have allowed claimant to unexpectedly leave work early when summoned by her son's school; what paid and unpaid afterschool childcare options were available, and what steps claimant took to explore those options; what afterschool childcare arrangement was in place from April 2025 through the end of the 2024-2025 school year, and whether it was available for the 2025-2026 school year; and any other factors relevant to determining whether claimant faced a grave situation based on this issue, or quit for "compelling family reasons" as defined by the rule.[2] Furthermore, if the record on remand shows that claimant faced a grave situation regarding childcare, additional inquiry should be made to determine whether claimant had a reasonable alternative to quitting work for that reason.[3]

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant had good cause to quit work based on childcare needs for her son, Order No. 26-UI-315904 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-315904 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: <u>February 19, 2026</u>

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-315904 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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[2] Claimant's need to personally provide childcare should be determined through September 24, 2025, the date she quit work, and without regard to any schedule changes needed after that date to enable claimant to attend school.

[3] As requiring claimant's daughter to leave school early to provide childcare was not a reasonable alternative to claimant quitting work, further inquiry is not needed on this point

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 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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