

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0082

Reversed & Remanded

PROCEDURAL HISTORY: On November 6, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0013906393). The employer filed a timely request for hearing. On January 8, 2026, ALJ Hall conducted a hearing, and on January 16, 2026 issued Order No. 26-UI-317291, reversing decision # L0013906393 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective August 10, 2025. On January 22, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant 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). 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 him 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 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) Blue Line Transportation Company employed claimant as a fuel truck hauler from October 22, 2024 until August 10, 2025.

(2) Beginning in approximately 2020, claimant lived with his grandparents in a house they owned in Lebanon, Oregon. Claimant lived in an apartment he built in a garage on the side of their house.

(3) Claimant's grandmother was in poor health and, after a hospitalization, passed away in early 2025. The hospitalization resulted in medical bills that caused financial difficulty for claimant's grandfather.

(4) Claimant's grandfather was in his 80s. Claimant had some degree of caretaking responsibility for his grandfather, in that claimant took his grandfather around town when he needed to do errands and helped him with tasks around his house.

(5) At some point in 2025, after the onset of the financial difficulties resulting from claimant's grandmother's medical bills, claimant's grandfather decided to sell his house in Lebanon, buy a new house in Kingman, Arizona, and then move from Lebanon to Kingman. The plan to move was motivated by the fact that it was cheaper to live in Kingman and that the drier weather in Arizona would benefit claimant's grandfather's health.

(6) On July 26, 2025, claimant sent a text message to the employer's owner giving notice of his intent to resign effective August 10, 2025. On August 10, 2025, claimant voluntarily left work, as planned. Claimant left work because he planned to move to Kingman with his grandfather. The employer did not have any offices or terminals in Arizona to which claimant could transfer.

(7) In Mid-August 2025, claimant's grandfather sold his house in Lebanon and bought a less expensive house in Kingman, Arizona. At or near that time, claimant and his grandfather moved to the grandfather's house in Kingman.

(8) Claimant believed his grandfather may have been able to live independently without him in Kingman, but, because claimant had taken his grandfather around town on errands and helped him around the house, it would have been a challenge for his grandfather to live in Kingman without him.

(9) During the time claimant worked for the employer, the employer had occasional work slowdowns. During these slowdowns, the employer asked if any employee would volunteer to not work. Claimant sometimes volunteered to call off his work shifts when these situations arose.

CONCLUSIONS AND REASONS: Order No. 26-UI-317291 is set aside, and this matter remanded for further proceedings consistent with this order.

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).

The order under review concluded that claimant voluntarily quit work without good cause because he was not presented with a grave situation when he left work. Order No. 26-UI-317291 at 3. The record as developed does not support this conclusion. To assess whether claimant faced a situation of gravity, remand is necessary to further develop the record on the nature of claimant's caretaking responsibilities to his grandfather, and the extent, if any, that their finances and claimant's grandfather's health were improved by living in Kingman versus living in Lebanon.

First, the ALJ should ask questions to develop the nature and extent of claimant's caretaking responsibilities to his grandfather. The record as developed shows that the grandfather was 80 to 89 years old, that claimant and his grandfather made dinner together, that claimant would take his grandfather places "if he need[ed] stuff in town and [was] not able to get it by himself," and that claimant believed his grandfather may have been able to live independently but that doing so "would have been hard" because claimant had lived with and helped him for the preceding five years. Audio Record at 16:03 to 17:05. On remand, the ALJ should make inquiries to develop more detail about the care claimant provided his grandfather, whether anyone else provided care for him, and if so, who and to what extent. The ALJ should inquire whether it was possible for claimant to remain living in Lebanon (or elsewhere in Oregon) and continue working for the employer but live somewhere other than with his grandfather. To this end, the ALJ should ask what the impact on claimant's grandfather would have been if they had not moved to Kingman, and whether it was feasible for claimant's grandfather to move from Lebanon to Kingman without claimant. The ALJ should also ask whether it was possible for claimant to find and afford housing in Lebanon other than his grandfather's house, and continue working for the employer.

Next, the ALJ should ask questions to develop the record on claimant's household finances and his grandfather's health. Regarding the former, the ALJ should inquire about claimant and his grandfather's combined income while living in Lebanon compared to their combined expenses from the grandmother's medical bills and other expenses. To this end, the ALJ should ask whether the passing of claimant's grandmother caused their household income to drop (such as through loss or reduction of Social Security benefits); whether and how much claimant's grandfather contributed in monthly income; whether the house in Lebanon was paid off and, if not, how much the mortgage payment was; the amount of the medical bills incurred by the grandmother's hospitalization; and what efforts, if any, were made to work with medical debt creditors to establish a payment plan or settle for a reduced medical debt amount.

The ALJ should additionally ask claimant to clarify how, if at all, he and his grandfather were benefitted financially by selling the Lebanon house and buying the Kingman house, and how doing so addressed the cost of the grandmother's medical bills, which presumably were the same regardless of where claimant and his grandfather lived. To this end, the ALJ should ask claimant to specify what he and his grandfather's monthly housing costs in Lebanon were compared to Kingman, and whether claimant's assertion that it was less expensive to live in Kingman than in Oregon was based on any other cost of living factor besides housing costs, and if so, what.

Moreover, the record shows that claimant occasionally volunteered to call off work shifts when the employer's business was slow. The ALJ should ask the parties how many hours per week claimant typically worked, whether he could have increased his income by volunteering to work more hours for the employer, and, if so, whether doing so would have addressed the asserted higher cost of living in

Lebanon. The ALJ should ask whether claimant believed he would have been able to get a job that paid more or offered more hours by moving to Kingman. The ALJ should also inquire when exactly he and his grandfather moved to Kingman and assess how long before or after claimant's August 10, 2025 resignation date that move occurred. To the extent there was a delay between when claimant quit and when he moved, the ALJ should inquire what the cause of the delay was.

Finally, the ALJ should ask questions to clarify what claimant's grandfather's medical diagnoses were, if any; how the move to Arizona positively impacted the grandfather's health, if at all; whether a medical provider recommended a relocation to a drier climate; and, if so, why.

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 voluntarily quit work with good cause, Order No. 26-UI-317291 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-317291 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: March 5, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-317291 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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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

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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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