

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0099

Reversed
No Disqualification

PROCEDURAL HISTORY: On December 24, 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 # L0014855991). The employer filed a timely request for hearing. On January 27, 2026, ALJ Parnell conducted a hearing, and on January 29, 2026 issued Order No. 26-UI-318530, reversing decision # L0014855991 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective November 2, 2025. On January 30, 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).

FINDINGS OF FACT: (1) Kendall Dealership Holdings, LLC employed claimant at their Mercedes-Benz car dealership in Bend, Oregon from May 24, 2021 until November 6, 2025.

(2) Claimant initially worked as a service advisor for the employer, and was promoted to service drive manager by the end of her employment. In the first few years of her employment, claimant worked eleven-hour shifts, five days per week, Monday through Friday. Though claimant performed well in the role, she found the 55-hour per week schedule to be a challenge to maintain. In 2023, in part because claimant's performance was exemplary, the general manager of the dealership modified claimant's schedule to eleven-hour shifts, four days per week, with Mondays off work. Claimant was the only service department employee allowed to work a four day per week schedule.

(3) During her employment, claimant routinely failed to take her lunch breaks because of the press of business. Claimant's managers did not explicitly tell her to skip her lunch breaks, but claimant felt pressured by them to do so because they would make comments such as, "Oh, you're going to lunch?" and, "You still have all this to do. Are you going to finish this?" Transcript at 16. The managers also made frequent comments alluding to the fact that claimant did not work on Mondays, such as "maybe if you were here" or "maybe if you worked five days a week, you could take a lunch[.]" Transcript at 12, 17. The fact that claimant often skipped her lunch breaks and was subjected to what she perceived as criticism about her unique work schedule, along with other factors, such as claimant's perception that management had not been responsive to her complaint about a customer's remark, caused claimant to view the employer's workplace as a "boys club" with a "terrible" culture. Transcript at 15.

(4) In 2024, claimant was diagnosed with generalized anxiety. To address the condition, claimant received therapy every two weeks. Beginning in 2025, claimant's provider also prescribed medications to treat the condition. When claimant received the anxiety diagnosis from her provider, one of her presenting issues was stress from work. A major focus of claimant's therapy sessions were the negative effects on claimant's mental health from stress at work, claimant's long hours often without a lunch break, and the employer's workplace culture.

(5) At some point after claimant was placed on a four day per week schedule, the general manager who had approved of that arrangement left. Thereafter, the new general manager and claimant's direct supervisor voiced their interest in having claimant work five days per week. On two occasions in 2025, claimant had meetings in which the two raised the possibility of changing claimant's schedule to five days per week. In these meetings, claimant told the managers that she opposed a change to her schedule, that she was taking anti-anxiety medications and was going to therapy to address workplace stress, and that adding another eleven-hour shift to her schedule would be harmful to her mental health. No changes were made to claimant's schedule following these meetings.

(6) On October 31, 2025, claimant again met with the general manager and her direct supervisor. They informed claimant that beginning December 1, 2025, she would be required to work Monday through Friday, eleven hours per day, and that the employer had hired another service advisor to work in claimant's department. The managers said that the requirement for claimant to work five eleven hour shifts per week was necessary for business reasons and that there was to be "no arguments. That's what's happening." Transcript at 9-10. The next workday after the meeting, the new service advisor began working in claimant's department.

(7) Claimant found her existing four days per week, eleven hours per day schedule, often with skipped lunch breaks, to be "emotionally and physically taxing" and a struggle to maintain. Transcript at 15. Claimant believed that adding an additional eleven-hour day to her work schedule would worsen her anxiety condition. Claimant also disagreed with the employer adding a service advisor to the department as she thought the additional service advisor would negatively affect her compensation because commissions would be shared with the new service advisor.

(8) After a meeting on October 31, 2025, claimant became upset, left work early, and used paid time off to cover her next few shifts, November 4 and 5, 2025. Claimant returned to work on November 6, 2025. On that date, claimant informed the general manager that she was resigning with immediate effect.

(9) Claimant quit working for the employer because the employer was going to require her to work five 11-hour days per week, which claimant believed would worsen her anxiety condition. Another reason claimant quit working for the employer was because the employer added a service advisor to her department, which she thought would reduce her income.

(10) Prior to quitting, claimant did not approach the employer's human resources (HR) manager and ask whether she could prevent the employer from expanding claimant's schedule. However, the employer would have changed claimant's schedule beginning December 1, 2025 regardless of whether claimant had raised the issue with the HR manager.

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 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 generalized anxiety, a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h). For an individual with a permanent or long-term "physical or mental impairment" (as defined at 29 CFR §1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual, would leave work. OAR 471-030-0038(4).

The order under review concluded that claimant voluntarily quit work without good cause. Order No. 26-UI-318530 at 2-3. The record does not support this conclusion.

Claimant quit working for the employer because the employer intended to require her to work five eleven-hour days per week, an increase from her existing four eleven-hour days per week schedule. Another reason claimant quit working for the employer was because the employer added a service advisor to her department, which she thought would reduce her income. Because the former reason for claimant quitting work supports that claimant quit work with good cause, the latter reason for quitting need not be addressed.

As a preliminary matter, claimant was an individual with a long-term impairment. Claimant had generalized anxiety, a condition for which she received therapy every two weeks and took medications to address. Claimant established good cause to quit work because she faced the imminent prospect of her work schedule increasing from 44 hours per week to 55 hours per week. Claimant's circumstances were grave. Claimant's work was a major source of her anxiety. Specifically, stress from work was an issue she raised with her provider when she was diagnosed, and the record supports that the long hours claimant worked, often without a lunch break, and the culture of the employer's workplace, which claimant regarded as "terrible," were a focus of her therapy sessions. When the prospect of expanding her schedule was raised in the two meetings before October 31, 2025, claimant made the general manager and her direct supervisor aware she was taking anti-anxiety medications and going to therapy to address workplace stress, and that adding another eleven-hour shift to her schedule would be harmful

to her mental health. The weight of the evidence supports that increasing claimant's work schedule by eleven hours to a total of 55 hours per week, as the employer planned to do, would worsen her anxiety condition. A reasonable and prudent person with the characteristics and qualities of an individual with generalized anxiety would leave work when faced with the prospect of an increased work schedule that would worsen their condition.

No reasonable alternatives to leaving work were available to claimant. Though the increase in claimant's schedule was not to be implemented until December 1, 2025, it was not a reasonable alternative for claimant to wait until that date to quit with the hope, perhaps, that the employer would change their mind about the impending increase in hours. This is the case because the general manager and direct supervisor made clear in the October 31, 2025 meeting that the requirement for claimant to work five eleven hour shifts per week was necessary for business reasons and that there was to be "no arguments. That's what's happening." Transcript at 9-10. That the managers were steadfast in their decision to implement the schedule change is bolstered by the fact that in the October 31, 2025 meeting, the managers also explained that they were pairing claimant's impending schedule expansion with the hiring of a new service advisor. The new service advisor then started working the very next workday. This suggests that the managers were intent on following through with all aspects of their plan, and would have inevitably expanded claimant's schedule on December 1, 2025, as they stated to claimant they would do in the October 31, 2025 meeting.

Approaching the employer's HR manager and asking whether she could prevent the employer from expanding claimant's schedule was also not a reasonable alternative to quitting work. The employer would have increased claimant's schedule beginning December 1, 2025 regardless of whether claimant had raised the issue with the HR manager. At hearing, the HR manager testified that if claimant had raised the matter with her they could have had a "more collaborative conversation about it" but nonetheless conceded "I don't know if it would have changed the outcome since the decision was made to assist our customer satisfaction and the flow of the store." Transcript at 24. In light of this testimony, as well as the points made above showing that claimant's work schedule expansion was, more likely than not, inevitable, the record shows that raising the matter with the HR manager before quitting would have been fruitless and so was not a reasonable alternative to leaving work.

For these reasons, claimant voluntarily quit work with good cause and is not disqualified from receiving benefits based on the work separation.

DECISION: Order No. 26-UI-318530 is set aside, as outlined above.

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

DATE of Service: March 13, 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

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់រដ្ឋនោះទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

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 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.

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