

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0127**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 17, 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 7, 2025 (decision # L0013558504).<sup>1</sup> Claimant filed a timely request for hearing. On January 21, 2026, ALJ Goodrich conducted a hearing, and on January 30, 2026 issued Order No. 26-UI-318776, affirming decision # L0013558504. On February 7, 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 February 7, 2026 argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). That argument, as well as claimant's February 9, 2026 argument, contained information that was not part of the hearing record. Claimant also filed a March 16, 2026 request that EAB consider information that was not part of the hearing record. Claimant had requested that some of the information, marked as Exhibits 1-6 for identification, be admitted as evidence at hearing, but the ALJ sustained the employer's objection and excluded the evidence based on claimant having failed to mail a copy to the employer's representative prior to the hearing. Claimant explained that he had emailed copies to several of the employer's employees, rather than mailing a copy to the employer's representative's address provided with the notice of hearing. Audio Record at 7:05. The notice of hearing stated, "If you have other documents that you wish to have considered, you must provide copies of your documents to all parties and to the ALJ at the Office of Administrative Hearings *at their addresses as listed on the Certificate of Mailing* prior to the date of the scheduled hearing." January 26, 2026 Notice of Hearing at 1 (emphasis added). The ALJ therefore properly excluded the proposed exhibits. Regarding information submitted in the first instance to EAB, claimant did not show that factors or circumstances beyond his reasonable control prevented

<sup>1</sup> Decision # L0013558504 stated that claimant was denied benefits from September 7, 2025 to September 5, 2026. However, decision # L0013558504 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 7, 2025, and until he earned four times his weekly benefit amount. *See* ORS 657.176.

him from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). Regarding the information in proposed Exhibits 1-6, it was within claimant's reasonable control to offer this information at hearing in accordance with the requirements of OAR 471-040-0023 (August 1, 2004), as specified in the notice of hearing. EAB therefore considered only the information received into evidence at the hearing. *See* ORS 657.275(2). EAB considered any parts of claimant's February 9, 2026 argument that were based on the hearing record.

The above notwithstanding, consideration of the information that was not part of the hearing record would not have materially affected the analysis of whether claimant had good cause for quitting work. Testimony at hearing established that the parties had incomplete or differing understandings of how claimant's compensation would be determined following changes agreed upon in July 2025. Claimant was paid on a salary plus commission basis, and part of the July 2025 agreement was that all inspection work of used cars acquired by the employer for resale would be assigned to claimant, entitling him to commission for that work. However, the parties apparently failed to negotiate the specific accounting terms that would apply in determining claimant's commission for that work, with the parties each having a different understanding of what amount would provide the basis for calculating claimant's percentage commission. The parties also had differing understandings of whether a condition regarding claimant achieving a "100% digital check in" metric applied to claimant receiving commission for the used car inspections, or only to an unrelated \$500 per month bonus and, if it applied to the inspection commissions, how much claimant would be paid if he failed to achieve the metric. Transcript at 41.

These differing understandings led claimant to believe that he had been significantly underpaid for July and August 2025 and that he would continue to be underpaid going forward, which was his primary reason for quitting work when he did. The order under review reasoned that because these differences in understanding had yet to be resolved, and claimant knew the employer was willing to negotiate a resolution at the time claimant quit, claimant may not have faced a grave situation on this basis at the time he quit work. Order No. 26-UI-318776 at 5. Moreover, the order correctly concluded that even if this situation was grave, claimant had the reasonable alternative to quitting of accepting the employer's offer of meeting to negotiate the ambiguities of the compensation agreement. Order No. 26-UI-318776 at 5-6. The information claimant desired to have considered as additional evidence would have further supported that this was a reasonable alternative to leaving work, and claimant did not avail himself of this alternative.

Additionally, the documents contained little contemporaneous information pertaining to whether claimant faced a grave situation based on his other asserted reason for quitting work, his interactions with two other employees in the dealership office. Testimony at hearing suggested that claimant's displeasure at how these coworkers interacted with him persisted at essentially the same level throughout his employment, and that the employer was responsive in attempting to mediate specific complaints as they arose. The order under review correctly concluded that even if claimant faced a grave situation based on this aspect of the work environment, claimant suggested that a transfer to another of the employer's dealerships would likely have resolved the issue, and admitted that he did not seek such a transfer until after he quit work. Transcript at 61-62; Order No. 26-UI-318776 at 5. The information claimant desired to have considered as additional evidence would have further supported that this was a reasonable alternative to leaving work with respect to this situation, and claimant did not avail himself of that alternative.

For these reasons, consideration of the information proffered by claimant that was not part of the hearing record would not have materially altered the good cause analysis or the conclusions of the order under review. As explained below, these conclusions are adopted by EAB.

**ADOPTION OF HEARING ORDER:** EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with Order No. 26-UI-318776's findings of fact, reasoning, and conclusion that claimant voluntarily quit work without good cause. Order No. 26-UI-318776 is **adopted**. See ORS 657.275(2).

**DECISION:** Order No. 26-UI-318776 is affirmed.

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

**DATE of Service:** March 24, 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 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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