

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0153

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 29, 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 # L0013730770).¹ Claimant filed a timely request for hearing. On January 22, 2026, ALJ Goodrich conducted a hearing, and on January 30, 2026 issued Order No. 26-UI-318775, affirming decision # L0013730770. On February 13, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).²

WRITTEN ARGUMENT: EAB considered the employer's and claimant's written arguments in reaching this decision. Both arguments were in support of characterizing the work separation as a layoff that would not disqualify claimant from receiving benefits. Claimant's argument further suggested that his decision to not continue working for the employer on a part-time basis was based, in part, on a misunderstanding that he would not be eligible for partial unemployment insurance benefits if he did so.

The nature of the work separation is determined by application of OAR 471-030-0038(2) (September 22, 2020), rather than the characterizations of the parties. *See Roadhouse v. Employment Dept.*, 283 Or App 859, 863, 391 P.3d 887, 890 (2017) ("The answer to the threshold question of whether an employee has voluntarily left work or been discharged is a legal conclusion that is based on factual findings.") (Internal quotation marks removed). Because claimant could have continued to work for the employer for an additional period of time after September 25, 2025, albeit on a part-time basis, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a). That the employer offered the part-time work altruistically as an alternative to laying claimant off, rather than based strictly on the employer's

¹ Decision # L0013730770 stated that claimant was denied benefits from September 21, 2025 to September 19, 2026. However, decision # L0013730770 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 21, 2025, and until he earned four times his weekly benefit amount. *See* ORS 657.176.

² The employer also filed an application for review on February 13, 2026. However, as the employer was the prevailing party in Order No. 26-UI-318775, EAB considered only claimant's application for review.

organizational needs, does not change the fact that continuing work was available to claimant, and that he was unwilling to continue the employment relationship under the terms available to him. While it is regrettable that claimant's decision regarding whether to continue working for the employer may have been influenced by a mistaken understanding of unemployment insurance benefit eligibility, this circumstance does not alter the nature of the work separation.

Furthermore, because claimant voluntarily left work due to a reduction from full-time to part-time hours, with a corresponding reduction in pay, OAR 471-030-0038(5)(e) precludes a finding of 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." The order under review correctly concluded that claimant's remuneration from part-time work would have exceeded his negligible commuting expenses, and that working two days per week would likely not have substantially interfered with a return to full-time work, given the employer's offer of flexibility regarding the part-time schedule and desire to accommodate claimant's search for full-time work. Order No. 26-UI-318775 at 4-5. Moreover, claimant's request that the employer allow him to continue working full time while he sought other employment suggests that at the time of the work separation, claimant himself believed that continuing to work for the employer at least part time would not have substantially interfered with his ability to seek full-time work from other employers. Accordingly, the record supports the conclusion that a finding of good cause is precluded by OAR 471-030-0038(5)(e), and therefore claimant is subject to a disqualification from benefits for having quit work without good cause.

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-318775's findings of fact, reasoning, and conclusion that claimant voluntarily quit work without good cause. Order No. 26-UI-318775 is **adopted**. See ORS 657.275(2).

DECISION: Order No. 26-UI-318775 is affirmed.

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

DATE of Service: March 27, 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 desisyong ito.

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 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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