

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0162

Reversed & Remanded

PROCEDURAL HISTORY: On October 30, 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 # L0013800739).¹ Claimant filed a timely request for hearing. On February 5, 2026, ALJ Enyinnaya conducted a hearing at which the employer failed to appear, and on February 13, 2026 issued Order No. 26-UI-320253, affirming decision # L0013800739. On February 17, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond her reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record.

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) Safeway Stores, Inc. employed claimant as a bookkeeper from September 26, 2013 until September 27, 2025.

¹ Decision # L0013800739 stated that claimant was denied benefits from September 21, 2025 to October 3, 2026. However, decision # L0013800739 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) On July 4, 2025, claimant’s mother was released from a lengthy hospital stay into claimant’s care. Claimant’s mother required extensive assistance with activities of daily living, and at that time had no means to secure paid or unpaid caregiver services other than from claimant.

(3) From July 6, 2025 through September 27, 2025, claimant received Paid Leave Oregon benefits while she provided full-time care to her mother.

(4) On September 22, 2025, the employer emailed claimant asking whether she planned to return to work after exhausting her protected leave. The email stated, in part, “If you do not plan to return to work on 9/28/2025 and need additional time off, please provide an updated estimated return to work along with additional supporting documentation to extend your leave beyond 9/27/2025.” Exhibit 1 at 23. Claimant replied to the email that she was resigning, effective September 27, 2025, in order to continue providing full-time care to her mother. Claimant did not work for the employer after September 27, 2025.

(5) During and after the period of protected leave under Paid Leave Oregon, claimant pursued approval for a state-paid full-time caregiver for her mother, and claimant intended to assume that position herself if approved. Such approval was eventually granted, effective November 19, 2025.

CONCLUSIONS AND REASONS: Order No. 26-UI-320253 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 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).

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[.]

* * *

Claimant quit work in order to provide full-time care to her mother, and the record shows that such care was necessitated by her mother’s illness or disability. The employer’s September 22, 2025 email to claimant demonstrated that, more likely than not, the employer would have granted claimant an additional period of leave after September 27, 2025 if she requested it. For

that reason, the order under review correctly concluded that claimant did not quit work for “compelling family reasons” because the employer likely would have accommodated claimant’s request for additional time off. Order No. 26-UI-320253 at 3. However, further development of the record is needed to determine whether claimant had good cause to quit work under the standard analysis.

Claimant’s need to provide care to her mother, if incompatible with preserving the employment relationship, could cause a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, to leave work. The record should therefore be further developed as to what options claimant had for preserving the employment relationship while ensuring her mother received care. The record shows that as of November 19, 2025, approximately eight weeks after claimant quit working for the employer, her mother received authorization for a state-paid caregiver averaging 39.5 hours per week, and that claimant intended to fill this role herself. *See Exhibit 1 at 4-6.* Moreover, as discussed above, the record shows that the employer would likely have granted claimant additional leave in some form had she not quit, potentially enabling her to resume performing work for the employer if, and when, an alternate caregiver was in place.

On remand, inquiry should be made into what options claimant had for taking leave beyond September 27, 2025, including the duration of available leave; whether any portion of it would have been paid; and whether any factors would have made it infeasible for claimant to take such leave. Inquiry should also include whether claimant imminently expected her mother to receive authorization for a state-paid caregiver at the time she quit work; whether that role could have been filled by someone other than claimant; and whether claimant could have resumed working for the employer once an alternate paid caregiver was in place, had claimant taken a further leave of absence instead of quitting work. Additionally, the inquiry may address any other factors concerning whether claimant faced a grave situation and, if so, whether she had a reasonable alternative to leaving work when she did.²

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-320253 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-320253 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: April 1, 2026

² “[A] protracted, unpaid leave of absence is not a ‘reasonable alternative’ to leaving work[.]” *Sothras v. Employment Division*, 48 Or App 69, 616 P2d 524 (1980).

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-320253 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 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 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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711
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