

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0228-R

Request for Reconsideration Allowed
EAB Decision 2026-EAB-0228 Followed on Reconsideration

PROCEDURAL HISTORY AND FINDINGS OF FACT: On February 6, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective June 8, 2025 (decision # L0015926366). Claimant filed a timely request for hearing. On March 4, 2026, ALJ Naylor conducted a hearing, and on March 5, 2026 issued Order No. 26-UI-322496, affirming decision # L0015926366. On March 9, 2026, claimant filed an application for review with the Employment Appeals Board (EAB). On April 22, 2026, EAB issued EAB Decision 2026-EAB-0228, affirming Order No. 26-UI-322496. On April 24, 2026, claimant filed a timely request for reconsideration of EAB Decision 2026-EAB-0228 with EAB.¹ This decision is made under EAB's authority from ORS 657.290(3).

EVIDENTIARY MATTER: Claimant's request for reconsideration contained information that was not part of the hearing record. The new information largely consisted of mental health treatment records, which claimant asserted he did not seek to introduce at hearing due to concerns about "medical privacy," and a belief that he could demonstrate good cause for having quit work without consideration of information relating to his mental health. Claimant's Request for Reconsideration at 2. Claimant has not shown that these reasons amounted to factors or circumstances beyond his reasonable control that prevented him 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.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is allowed. EAB Decision 2026-EAB-0228 is followed on reconsideration.

¹ On April 27, 2026, claimant resubmitted the request with an additional three pages attached that requested reopening of a hearing in an unrelated appeal. EAB did not consider this submission, as the three new pages were not relevant and material to the present appeal, and the remainder was duplicative of the April 24, 2026 filing.

Reconsideration. ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including “the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law.” “Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice.” OAR 471-041-0145(1) (May 13, 2019). The request will be dismissed unless it states that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2).

Claimant’s request for reconsideration was filed within 20 days after EAB Decision 2026-EAB-0228 was mailed, and stated that a copy was given to the employer. The request therefore met the threshold requirements for reconsideration, and is allowed.

Voluntary Leaving. 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). A claimant with a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h) who quits work must show that a reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would not have continued to work for their employer for an additional period of time.

In his request for reconsideration, claimant asserted three errors of fact or law in EAB’s decision that he believed should be corrected. The first two rely upon new information not contained in the hearing record that claimant included with the request for reconsideration and which, as explained above, EAB has declined to consider in accordance with ORS 657.275(2) and OAR 471-041-0090. First, claimant asserted that the good cause criteria for a person with a long-term impairment should have been used in the analysis. Request for Reconsideration at 1. However, the hearing record does not contain evidence that would suggest that claimant had a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h), and EAB’s decision therefore appropriately applied the standard good cause criteria in its analysis.

Second, claimant asserted that EAB’s decision failed to consider that the employer’s short staffing of his department negatively impacted his health in the form of “internal clinical decline and chronic insomnia,” which constituted a grave situation. Claimant’s Request for Reconsideration at 1-2. Similarly, the hearing record does not contain evidence that suggests claimant was experiencing those conditions or that they played a role in his decision to quit work. When asked at hearing why he quit work at the time he did, claimant consistently cited the increase in work duties, for which he believed he was inadequately compensated, and did not mention any impacts to his physical or mental health.²

² See, e.g., Transcript at 5 (claimant was asked, “What was the primary reason that you quit your job?” and responded, “The primary reason -- and I can go into this in more detail -- was the fact that I had a 500% increase in my workload and a breach of my original hiring agreement, both in pay and staffing. I was hired for a five-person team and ultimately was left as the sole employee managing five separate programs. My resignation letter did mention other opportunities, but that was also

Therefore, the hearing record shows that most or all negative impacts of the employer's staffing decisions accrued to the employer, rather than claimant personally, as he was required to work only negligible overtime for which he was compensated, and the employer remained satisfied with his handling of the workload. The decision's conclusion that claimant did not face a grave situation regarding his stated reasons at hearing for having quit work is therefore supported the record.

Third, claimant asserted that EAB erred in concluding that, even if he had faced a grave situation based on short staffing and his resulting workload, he had a reasonable alternative to quitting work of addressing his concerns with people in authority beyond his immediate supervisor, such as the human resources department or the employer's CEO. Claimant asserted that this alternative was "known to be futile. . . [since] the employer could not afford to hire help[.]" Claimant's Request for Reconsideration at 2. However, EAB's decision did not conclude that this was a reasonable alternative to quitting work, stating, "More likely than not, the employer was not in a position to make staffing changes that would have fully satisfied claimant's concerns, even if claimant had continued to address his complaints to people other than his supervisor, such as the human resources department or the CEO." EAB Decision 2026-EAB-0228 at 2-3. Instead, the decision based the conclusion that claimant quit work without good cause on his having failed to establish that he faced a situation of such gravity that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense would quit work. That conclusion is supported by the record. Accordingly, EAB Decision 2026-EAB-0228 is followed on reconsideration.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2026-EAB-0228 is followed on reconsideration.

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

DATE of Service: June 2, 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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professional courtesy. I had no other job offers, and my decision was entirely based on a workload that remained unsustainable and unresolved despite attempts to resolve it throughout that year." See also Transcript at 15-16 (claimant was asked, "Did something happen in June of 2025 that made you decide that you had to quit then?" and responded, "Nothing specific outside of the implications of the workload. The reason why I chose to separate in June of 2025 was because that was the end of the school year. I wanted to complete my responsibilities and fulfill my commitment to the company and to the schools that I was working with before I separated. There was no replacement for my job at the time, so I wanted to finish that out.")

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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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