

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0252**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 31, 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 October 26, 2025 (decision # L0015048624). Claimant filed a timely request for hearing. On March 3, 2026, ALJ Andersen conducted a hearing, and on March 11, 2026 issued Order No. 26-UI-323177, affirming decision # L0015048624. On March 13, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant's March 23, 2026 and March 25, 2025 arguments contained information that was not part of the hearing record and did not show that factors or circumstances beyond his reasonable control 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. EAB considered any parts of these arguments that were based on the hearing record.<sup>1</sup>

**FINDINGS OF FACT:** (1) Paychex Business Solutions, LLC employed claimant from November 28, 2023 through October 27, 2025.<sup>2</sup> Claimant's roles included office manager, administrative assistant, and bookkeeper. Claimant worked part time for the employer, typically as few as four hours per week.

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<sup>1</sup> Claimant also submitted a written argument on March 13, 2026 with his application for review which was not considered because it did not contain the required statement that a copy had been sent to the employer. *See* OAR 471-041-0080(2)(a) (May 13, 2019). However, this submission was duplicative of the March 23, 2026 argument, which EAB considered to the extent it was based on the hearing record.

<sup>2</sup> The record suggests that Paychex Business Solutions, LLC was a professional employer organization as defined by ORS 657.010(19). References to "the employer" in this decision refer to the client business with responsibility for making decisions regarding claimant's employment.

(2) In 2025, during his employment, claimant was diagnosed with, and treated for, celiac disease and complex post-traumatic stress disorder (CPTSD).

(3) The office where claimant worked had a single-user bathroom which, when claimant was present, was typically shared by five employees. The toilet was prone to clogging, which a plumber had told the employer was due largely to aging pipes. The plumber recommended that the employer advise users of the toilet to flush frequently and use toilet paper judiciously, so as to limit the volume of material flowing through the pipes. Claimant followed this advice when using the bathroom.

(4) In the months leading up to October 2025, a plumber came to the office on three occasions regarding the toilet being clogged, and the employer believed that these instances coincided with claimant having been in the office for his relatively few hours of weekly work. The employer also believed that the bathroom was left “messy” on occasions when claimant was in the office, but not at other times. Audio Record at 31:28. The employer’s co-owners had multiple discussions about how to address their suspicions that claimant’s use of the bathroom was the proximate cause of the toilet clogs by his having not followed the plumber’s advice.

(5) On October 27, 2025, claimant was working at the office and texted one of the co-owners that there was a problem with the toilet. The following text exchange then occurred between claimant and the co-owner:

Co-owner: [Claimant,] I have to be honest with you. We do not have this problem except for days that you are in the office. I also tend to go in the bathroom the day after and find wads of toilet paper strewn about[.] You need to use less toilet paper. You also need to flush before you start, after you have a bowel movement and when you flush the toilet paper. Is that understood?

Claimant: Where? The wads of toilet paper are in the trash[.] Yes

Co-owner: The Wads of toilet paper are all around the trash can. I do not appreciate having to pick up used toilet paper

Claimant: Oh. I will make sure they are in the trash can and pushed down[.] I am deeply sorry. I will try harder

Co-owner: I appreciate your apology, and you [claimant.] I simply need this corrected.

Claimant: Ok. I will make every effort I can

Co-owner: I appreciate that

Claimant: Thanks[.] I’ll be perfectly honest with you too. My health has been a huge issue this year. An opportunity to work remotely would be helpful when at all possible. At any rate I will make every effort I can.

Co-owner: I understand that. . . and [the other co-owner] and I both appreciate your [candor] around sharing your health struggles. We are sorry to hear about your health[.]

Exhibit 1 at 10-12. After finishing work and arriving at home, claimant texted the co-owner:

I am very sorry but I reread your text messages but I have to quit without notice [and] look for remote work starting tomorrow for my health anyway. I have done everything asked for work and in the bathroom. And now you. . . saying ‘Understood?’ and ‘I simply need this corrected’ I found them abusive and I have been made the scapegoat. Most of the used toilet paper you speak [of], the vast majority was not mine and the last few weeks I have been sitting down to pee and haven’t left any toilet paper in the trash.

Exhibit 1 at 16-17. The co-owner accepted claimant’s resignation and claimant did not work for the employer again.

(6) The employer would not have allowed claimant to work remotely had he asked to do so prior to quitting work. The employer did not intend to discipline or discharge claimant regarding the bathroom issues.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work without 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 celiac disease and CPTSD, permanent or long-term “physical or mental impairment[s]” as defined at 29 CFR §1630.2(h). A claimant with an impairment 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.

Claimant quit work because a co-owner texted him regarding issues with the office bathroom. The text sent to claimant strongly implied that the employer believed claimant was causing the toilet to clog, and gave directives to claimant regarding toilet use that aligned with advice given by the plumber. Claimant testified that in the time leading up to the work separation his use of the toilet was in accord with the plumber’s advice, and that he did not cause the toilet clogs or the toilet paper messes left in the bathroom. Audio Record at 9:18. The co-owner who testified at hearing asserted that the employer’s belief that claimant was responsible for the toilet clogging and bathroom messes was based on the employer’s observations that these problems largely only occurred when, or shortly after, claimant was in the office. Audio Record at 31:08. Claimant’s first-hand testimony regarding his activities in the bathroom is entitled to greater weight than the circumstantial evidence presented by the employer regarding whether claimant was responsible for the identified problems, and therefore claimant has shown that, more likely than not, his use of the bathroom was not the proximate cause of the toilet clogging or the messes.

It is understandable that the text message claimant received, which implied that he was responsible for causing the bathroom problems and provided detailed directives on how to avoid causing such problems in the future, resulted in some degree of discomfort or embarrassment. However, a reasonable and prudent person with the characteristics and qualities of an individual with impairments such as claimant's would not suddenly quit work due to receiving this message, and claimant therefore did not face a grave situation.

Instead, such a person would likely reply that the employer was mistaken about them being responsible for those problems; that they had already been in compliance with the directives on bathroom use; and that they found the implied accusation embarrassing and offensive, such that the employer should not repeat it even if the bathroom issues persisted. Claimant ultimately sent the co-owner a reply denying responsibility, explaining his efforts to avoid clogs and messes, and asserting his embarrassment at having been wrongly accused, but did so only in his resignation text. It would have been a reasonable alternative to quitting for claimant to text his rebuttal and evaluate the employer's reply and ensuing behavior before deciding whether to quit. Accordingly, claimant has not shown that he faced a situation of such gravity that he had no reasonable alternative but to quit work when he did, and therefore quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective October 26, 2025.

**DECISION:** Order No. 26-UI-323177 is affirmed.

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

**DATE of Service:** April 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.

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