

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0253

Affirmed
Disqualification

PROCEDURAL HISTORY: On December 19, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective November 9, 2025 (decision # L0014773573).¹ Claimant filed a timely request for hearing. On February 26, 2026, ALJ Enyinnaya conducted a hearing, and on March 5, 2026 issued Order No. 26-UI-322490, affirming decision # L0014773573. On March 13, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: In claimant's March 31, 2026 written argument, claimant referenced four pages of documents that he offered into the record at hearing but which the ALJ declined to admit into evidence because the employer's representative and witness stated that they had not received copies of the documents. *See* Claimant's March 31, 2026 Argument at 1, 4-7. Claimant also attached two additional pages of documents to the argument, which he stated he had "found in [his] emails" after the hearing, and which were not among the four pages of documents identified by the ALJ at hearing as having been offered by claimant. *See* Claimant's March 31, 2026 Argument at 8-9; Audio Record at 6:31 to 7:03.

At the February 26, 2026 hearing, claimant stated that he had sent the four pages documents identified by the ALJ to the employer by certified mail, and that he had checked the tracking number, which stated that the employer had received the documents on February 23, 2026. Audio Record at 5:45. However, the employer's representative and witness both stated that they had not received the documents. Audio Record at 5:32, 7:20. In apparent reliance on OAR 471-040-0023(4), which requires a party to provide

¹ Decision # L0014773573 stated that claimant was denied benefits from November 9, 2025 to November 7, 2026. However, decision # L0014773573 should have stated that claimant was disqualified from receiving benefits beginning Sunday, November 9, 2025 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

copies of proposed documentary evidence to opposing parties before a telephone hearing begins,² the ALJ advised that they would have claimant testify to the contents of the four pages of documents, and the order under review stated in its Evidentiary Rulings section that no exhibits were admitted into evidence. Audio Record at 7:30; Order No. 26-UI-322490 at 1. Given that claimant sent the four pages of documents to the employer's address via certified mail with the tracking number showing they were received three days before the hearing, claimant might be regarded as having provided a copy of the documents to the employer constructively, such that OAR 471-040-0023(4) would not act as a bar to admission of the documents into the hearing record, even if the employer's representative and witness at hearing each did not themselves have copies of the documents.

A review of the four pages of documents shows that they contain information relevant and material to the issues in this case. Given their germaneness to the issues at hand, along with the fact that claimant arguably satisfied the requirements of OAR 471-040-0023(4) by sending the documents to the employer's address before the hearing, the documents are necessary to complete the record and are admitted as such pursuant to OAR 471-041-0090(1)(a) (May 13, 2019). The additional evidence is being marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

This ruling does not extend to the two additional pages of documents that claimant attached to his March 31, 2026 argument, which he stated he had "found in [his] emails" after the hearing. Those two new pages of documents were not among the documents identified by the ALJ at hearing as having been offered by claimant and sent to the employer's address via certified mail before the hearing. As such, claimant did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). Consequently, they are not included in EAB Exhibit 1 and are not added to the record.

WRITTEN ARGUMENT: Claimant submitted a written argument with his application for review filed March 13, 2016. EAB did not consider claimant's March 13, 2026 argument because he did not state that he provided a copy of the argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

Claimant also submitted a written argument that EAB received on March 31, 2026. EAB considered claimant's March 31, 2026 argument. Claimant made what can be summarized as three major arguments in the submission.

First, claimant took issue with the order under review stating in its findings that claimant began working for the employer in August 2025 and that claimant last reported alleged unethical conduct by one supervisor to another supervisor six to nine months before resigning, with claimant asserting that he began working for the employer in August 2005 and actually made the report about alleged unethical conduct two months before resigning. Claimant's March 31, 2026 Argument at 2, ¶ 2, 6, and 8. Claimant did start working for the employer in August 2005, the order's reference to August 2025 in its first

² See OAR 471-040-0023(4) (August 1, 2004) ("Prior to commencement of an evidentiary hearing that is held by telephone, each party and the Department shall provide to all other parties and to the Department copies of documentary evidence that it will seek to introduce into the record.").

finding of fact is regarded as a typographical error, and the order is presumed to have intended to state that August 8, 2005 was claimant's start date. *See* Order No. 26-UI-322490 at 1. Claimant's assertion that his report of alleged unethical conduct by one supervisor to another supervisor occurred two months before resigning is rejected because claimant specifically testified at hearing that he made that report six to nine months before he quit work. Transcript at 16. Thus, the order's findings accurately reflected the record evidence on that point, and the order's reasoning that the passage of several months from the date of this event to claimant's November 10, 2025 resignation undercut that claimant faced a situation of gravity remains sound. *See* Order No. 26-UI-322490 at 2, 3.

Next, claimant disagreed with the order stating that "uncomfortable work conditions" led him to quit, and contended that the order did not sufficiently acknowledge his workplace experiences relating to the employer's alleged unethical sales practices, poor customer service, and focus on getting perfect customer survey scores. Claimant's March 31, 2026 Argument at 2, ¶ 3, 7. While the order under review stated in its first finding of fact that claimant left work "due to uncomfortable working conditions," claimant acknowledged in his argument that he had testified at hearing about uncomfortable working conditions at length. *See* Order No. 26-UI-322490 at 1; Claimant's March 31, 2026 Argument at 2, ¶ 3. Further, the order devoted its second finding of fact to extensively chronicling claimant's experiences relating to the alleged unethical sales practices, pressure to get perfect customer survey scores, and the like. *See* Order No. 26-UI-322490 at 2. The order then referenced these experiences in its legal analysis section, recognizing that claimant had "testified credibly" and that the experiences were "very uncomfortable," but nevertheless concluding, appropriately, that claimant had failed to establish that he faced a situation of such gravity that he had no reasonable alternative but to quit work when he did. *See* Order No. 26-UI-322490 at 3.

Finally, claimant disagreed with the order's conclusion that he had failed to pursue reasonable alternatives, contending that he had often raised his concerns about alleged unethical sales practices and the like to his direct supervisor. Claimant's March 31, 2026 Argument at 3, ¶ 9, 10. While that may be the case, the record nevertheless shows, and the order appropriately concluded, that the employer's technical operations manager, who was senior to claimant's direct supervisor, met with claimant in October 2025 and asked claimant to present him with specific information regarding impacted customer accounts, and claimant failed to follow up and provide any of the information requested before he resigned. *See* Transcript at 23; Order No. 26-UI-322490 at 2, 3-4.

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-322490's findings of fact, reasoning, and conclusion that claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective November 9, 2025. Order No. 26-UI-322490 is **adopted**. *See* ORS 657.275(2).

DECISION: Order No. 26-UI-322490 is affirmed.

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

DATE of Service: April 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 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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