

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0290

Reversed
No Disqualification

PROCEDURAL HISTORY: On January 27, 2026, 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 September 7, 2025 (decision # L0015670989).¹ Claimant filed a timely request for hearing. On February 25, 2026, ALJ Christon conducted a hearing at which the employer failed to appear, and on March 4, 2026 issued Order No. 26-UI-322340, affirming decision # L0015670989. On March 24, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant filed written arguments on March 24, 2026, April 20, 2026, April 26, 2026, and May 6, 2026. EAB did not consider claimant's March 24, 2026 written argument because claimant did not state that she provided a copy of her argument to the employer, as required by OAR 471-041-0080(2)(a) (May 13, 2019). EAB did not consider claimant's May 6, 2026 argument because it was not received by EAB within the time allowed under OAR 471-041-0080(1) and (2)(b) (May 13, 2019). Additionally, all four of claimant's arguments contained information that was not part of the hearing record. As to the new information in the first three arguments, claimant did not show that factors or circumstances beyond her reasonable control prevented her from offering the information during the hearing. As to the May 6, 2026 written argument, while the argument suggests that the new information was not available to claimant prior to the hearing, that information was not relevant material to EAB's determination of whether claimant's work separation is disqualifying. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019). 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 April 20 and April 26, 2026 arguments that were based on the hearing record.

¹ Decision # L0015670989 stated that claimant was denied benefits from September 7, 2025 to December 19, 2026. However, decision # L0015670989 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 7, 2025 and until she earned four times her weekly benefit amount. See ORS 657.176.

FINDINGS OF FACT: (1) Century II Staffing, LLC, a staffing agency, employed claimant for a single-day assignment as a substitute classroom assistant at a high school in Tigard, Oregon on September 8, 2025.

(2) During the 2024-2025 academic year, claimant had accepted various other assignments through the employer as a substitute teacher at other schools. However, claimant’s teaching license was not renewed after the end of that academic year, and she therefore was no longer permitted to continue working as a substitute teacher. Claimant was eligible to accept assignments as an assistant.

(3) On September 8, 2025, claimant completed her single-day assignment at the high school. This was the only assignment that claimant accepted with the employer during the 2025-2026 academic year. Due to various factors, including the difficulties she faced in working with special-needs students, and claimant’s own health issues, claimant decided that she was not suited for the types of assignments that the employer was willing to offer her. On October 24, 2025, claimant sent an email to the employer notifying them that was “terminating employment” with them. Exhibit 2 at 6.

CONCLUSIONS AND REASONS: Claimant was discharged, but not for misconduct.

Nature of the Work Separation. A work separation occurs when a claimant or employer ends the employer-employee relationship.

If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b). “In the case of individuals working for temporary agencies. . . the employment relationship shall be deemed severed at the time that a work assignment ends.” OAR 471-030-0038(1)(a).

The order under review concluded that claimant voluntarily quit work on September 8, 2025, “the date she completed her final assignment with the agency under OAR 471-030-0038(1)(a),” and subsequently concluded that claimant voluntarily quit work without good cause. Order No. 26-UI-322340 at 3–4. The record does not support the conclusion that claimant voluntarily quit work. Rather, it shows that claimant was discharged.

Despite the fact that claimant notified the employer on October 24, 2025 that she was “terminating employment,” the order under review correctly determined that the work separation occurred on September 8, 2025, when claimant’s assignment ended. The record is clear, however, that the work assignment ended because it was only intended to last for a single day. Despite claimant’s apparent dissatisfaction with the work that the employer assigned her, there is no indication in the record that she left work prior to the end of the assignment. To the contrary, it shows that claimant stopped working that day because the assignment had concluded.

It can be reasonably inferred from the record that the employer (or their client, the school at which claimant was working that day) set the terms of the assignment, rather than claimant. Thus, *claimant* did not choose to stop working that day. Instead, she worked until no work remained available to her. As such, the *employer*, a temporary staffing agency, by choosing to assign claimant only a single day of

work, ended the employment relationship because it was deemed severed when the work assignment ended under OAR 471-030-0038(1)(a). The work separation was therefore a discharge which occurred on September 8, 2025.

Discharge. ORS 657.176(2)(a) requires a disqualification from unemployment insurance benefits if the employer discharged claimant for misconduct connected with work. “As used in ORS 657.176(2)(a) . . . a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest is misconduct.” OAR 471-030-0038(3)(a). “[W]antonly negligent’ means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee.” OAR 471-030-0038(1)(c). In a discharge case, the employer has the burden to establish misconduct by a preponderance of evidence. *Babcock v. Employment Division*, 25 Or App 661, 550 P2d 1233 (1976).

As discussed above, the employer discharged claimant on September 8, 2025 when her assignment concluded. The record does not show that the employer declined to extend that particular assignment for any reason other than a mere lack of work. Therefore, the employer has not met their burden to show that claimant was discharged for a willful or wantonly negligent violation of their standards of behavior. Claimant therefore was not discharged for misconduct.

For the above reasons, claimant was discharged, but not for misconduct, and therefore is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 26-UI-322340 is set aside, as outlined above.

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

DATE of Service: May 7, 2026

NOTE: This decision reverses the ALJ’s order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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 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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