

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0299

Reversed
No Disqualification

PROCEDURAL HISTORY: On December 5, 2025, 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 October 26, 2025 (decision # L0014483205).¹ Claimant filed a timely request for hearing. On March 3, 2026, ALJ Goodrich conducted a hearing, and on March 11, 2026 issued Order No. 26-UI-323224, affirming decision # L0014483205. On March 26, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Grand Ventures Eastlund Hotel, LLC employed claimant as a night auditor from May 2023 through October 29, 2025. The employer operated a hotel in inner northeast Portland, Oregon. Claimant commuted there from outer southeast Portland via public transit and did not own a private vehicle.

(2) As a night auditor, claimant typically worked four ten-hour shifts per week, typically from 10:00 p.m. to 8:00 a.m.

(3) In or around 2024, claimant was diagnosed with bipolar II disorder. Claimant experienced hypomania symptoms, but had, at that point, never suffered from a full manic episode.

(4) In July 2025, claimant suffered a full manic episode for the first time. The episode, which lasted for approximately a month, caused claimant to experience symptoms such as sleep deprivation, compulsive exercise, and reckless behavior. After the episode subsided, claimant began suffering from “extreme... depression” and suicidal ideation. Transcript at 24. As a result, on August 12, 2025, claimant checked himself into an inpatient psychiatric facility. Claimant was subsequently diagnosed with bipolar I disorder, owing to the recent manic episode.

¹ Decision # L0014483205 stated that claimant was denied benefits from October 26, 2025 to October 31, 2026. However, decision # L0014483205 should have stated that claimant was disqualified from receiving benefits beginning October 26, 2025 and until he earned four times his weekly benefit amount. See ORS 657.176.

(5) After he was discharged from the inpatient stay, claimant began an intensive 12-week outpatient mental health treatment program. Around that time, claimant also took a medical leave of absence with the employer, covered under the Family Medical Leave Act (FMLA), effective August 12, 2025. On September 3, 2025, filed an application for Paid Leave Oregon (PLO) benefits. Claimant's FMLA leave was scheduled to expire on October 24, 2025.

(6) Claimant remained off of work through the end of his FMLA leave. During this time, while in treatment, claimant's psychologist suggested that he quit his job or stop working overnight shifts, as she had observed other patients with bipolar disorder do poorly as a result of working overnight. In or around mid-September 2025, in light of this advice, claimant contacted the employer and requested to work shifts other than overnight. The employer was not able to move claimant to an earlier shift in his night auditor position, but offered claimant a front-desk position that would allow him to work earlier in the day. Although the position paid less than the night auditor position and was likely to offer fewer hours per week, claimant accepted the offer because it would allow him to remain employed without hindering his recovery.

(7) Claimant did not receive PLO benefits during the FMLA leave because of delays relating to the employer's account with the Department. As a result, claimant had no income while he was on leave.

(8) In late October 2025, shortly before his leave was set to expire, the employer contacted claimant about his return to work. At that time, due to the delayed payout of PLO benefits, claimant did not have enough money to afford the transit fare he needed to get to work and was unable to borrow funds from anyone. Likewise, claimant did not have nearby family or friends who could give him a ride to work, and the coworkers he asked for a ride declined his requests. As such, claimant told the employer that he was unable to afford to get to work. Claimant asked the employer if they could help him with funds to get to work, but they did not offer him any such help.

(9) On October 24, 2025, claimant's FMLA leave expired. Claimant did not return to work at that time, as he still lacked the funds to pay for transit fare. On October 29, 2025, claimant quit work. Claimant did not request an additional period of leave before quitting. However, claimant felt like the employer was pressuring him to return to work at that time.

(10) At the time that he quit, claimant did not know when his PLO benefits would be paid, and expected that they might not be paid until December 2025. In late November 2025, claimant was paid his delayed PLO benefits. Had claimant still been employed by the employer at that time, he would have been both willing and financially able to return to work.

CONCLUSIONS AND REASONS: Claimant quit work with 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 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).

Claimant had bipolar I disorder, a permanent or long-term “physical or mental impairment” 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 on October 29, 2025, shortly after his FMLA leave expired. At hearing, claimant testified that he quit because his psychiatrist recommended that he do so due to his bipolar I disorder diagnosis and the difficulty that overnight shifts presented. Transcript at 17. Despite this testimony, however, the record shows that the provider also advised claimant that he could work shifts other than overnight, and that claimant sought, was offered, and accepted a position which would allow him to work such shifts. In light of this, the order under review concluded that claimant did not quit for a reason of such gravity that he had no reasonable alternative but to quit. Order No. 26-UI-323224 at 4. The record does not support this conclusion. Further, the record shows that claimant quit work for a different reason than the one identified above.

In fact, the record shows that claimant was willing to return to work at the end of his FMLA leave, despite his mental health diagnosis and the less-favorable compensation that the newly-accepted position offered, but was unable to do so because he could not afford the cost of commuting to work. This, in turn, was the result of a significant delay in the payout of his PLO benefits, which left him without income while he was off of work. Given this, and the fact that he felt pressured to return to work, the record supports the inference that claimant quit work at the time that he did because he had no way to get to work. Thus, this was the proximate cause of claimant’s decision to quit, and the proper focus of the good-cause analysis.

Claimant’s inability to get to work, due to his lack of funds to pay for transit fare, was a grave situation, as he most likely could not perform his job at all without being physically present at the hotel. Further, claimant had no reasonable alternative but to quit. The record shows that claimant attempted to remedy his situation by requesting rides from coworkers and help with funds from the employer, but that his requests were denied, and he had nobody else who could either give him a ride to work or help him to pay for transit fare.

The only other alternative to quitting was for claimant to continue to wait for his PLO benefits to be paid, which would have allowed him to pay for transit fare to get to work. This would not have been a *reasonable* alternative, however. For one, claimant did not know, at the time that he quit, when the PLO benefits would be disbursed. As such, and as he was not being paid at the time, any additional leave claimant sought would have been both unpaid and indefinite in nature, which is not a reasonable alternative to quitting.² The record also lacks evidence to show that an additional leave of absence would have even been available to claimant.³ Furthermore, claimant’s FMLA leave had expired, and claimant

² See *Sothras v. Employment Division*, 48 Or App 69, 616 P2d 524 (1980) (despite being on an unpaid leave of absence for more than a month claimant remained unable to return to work; the court held that “a protracted, unpaid leave of absence is not a ‘reasonable alternative’ to leaving work and being unemployed; indeed it is not an alternative at all”); *Taylor v. Employment Division*, 66 Or App 313, 674 P2d 64 (1984) (claimant had good cause to leave work after being suspended without pay for over a month, and there was no end in sight to the suspension).

³ *Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996) (for a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual).

had felt pressure from the employer to return to work. Thus, it is reasonable to infer that additional leave would not have been available to claimant, had he requested it. Given all of this, a reasonable and prudent person with claimant's diagnosis would have concluded that requesting additional leave would be futile. As a result, this would not have been a reasonable alternative to quitting.

In sum, claimant's financial inability to pay for transit fare was a situation of such gravity that he had no reasonable alternative but to quit. Claimant therefore quit work with good cause and is not disqualified from receiving benefits based on the quit.

DECISION: Order No. 26-UI-323224 is set aside, as outlined above.

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

DATE of Service: May 13, 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 الاستئناف 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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