

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0337**

*Modified*  
*Disqualification Effective February 1, 2026*

**PROCEDURAL HISTORY:** On March 4, 2026, 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 from February 1, 2026 through January 30, 2027 (decision # L0016331847). Claimant filed a timely request for hearing. On March 31, 2026, ALJ Adamson conducted a hearing, and on April 1, 2026 issued Order No. 26-UI-325798, modifying decision # L0016331847 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective January 25, 2026. On April 8, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of two telephone recordings submitted by claimant for the hearing and discussed during testimony, but which the order under review failed to address.<sup>1</sup> The recordings, 11:18 and 3:24 in length, have been marked as EAB Exhibits 1 and 2 respectively, and copies are available to the parties upon request. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibits will remain in the record.

**WRITTEN ARGUMENT:** EAB considered claimant's April 8, 2026 argument in reaching this decision.

**FINDINGS OF FACT:** (1) River City Environmental, Inc. employed claimant as a dispatcher from September 12, 2022 through February 2, 2026.

(2) On December 22, 2025, claimant's father died. Claimant believed that the employer "denied pretty much" her request for bereavement leave at that time. Transcript at 7.

---

<sup>1</sup> A third audio file submitted by claimant could not be played, and for that reason was not considered in reaching this decision.

(3) On January 29, 2026, the employer's vice president told claimant's supervisor that the vice president had discussed with claimant the possibility of the supervisor moving to a new role, which would allow claimant to move into the supervisor's role; but that claimant was not interested in this move. Claimant considered the vice president to have "lied" because claimant had not discussed this topic with the vice president and would have been interested in the supervisor position. Transcript at 6.

(4) On Friday, January 30, 2026, claimant was in her supervisor's office when the supervisor took a call on speakerphone from a project manager with whom claimant worked. The project manager had previously spoken with claimant about whether a specific laborer could work Friday through Sunday. During that conversation, claimant started replying that the laborer had another job scheduled for Friday and was not on-call the other two days, but the project manager took another phone call and walked away from claimant without finishing the conversation. On the speakerphone call, the project manager told claimant's supervisor that claimant "never gave him an answer" regarding the laborer's availability those days, and that he "[didn't] understand why he couldn't get an answer from [claimant]." Transcript at 6.

(5) Claimant was "really upset" regarding what had occurred with the vice president the day before, and when she perceived the project manager to have also "lied" about her during the speakerphone call, claimant "pretty much had a mental breakdown," gathered her things, said, "I'm done," and "walked out." Transcript at 6-7. Shortly thereafter, claimant sent a text to a coworker that said, in part, "I just walked out and quit." Exhibit 3 at 4. Claimant's supervisor spoke with her by phone later that day, and suggested that claimant consider things over the weekend before talking to the supervisor on the following Monday. The supervisor also authorized claimant to "wrap up her work. . . [and] finalize things" over the weekend. Transcript at 16-17.

(6) During the weekend, the vice president attempted to contact claimant to discuss her resignation, but claimant was not receptive to his outreach because she felt the supervisor was forcing him to do it, and because the supervisor had not confronted him about what claimant had perceived as him lying about claimant. Claimant sent an email to the employer with what they considered "demands" that needed to be met in order for her to rescind her resignation, such as remote work and evening work schedules. Transcript at 18. Claimant spoke with her supervisor by phone and the two agreed that claimant should seek to rescind her resignation on Monday and immediately begin a period of leave to address her mental health.

(7) On the morning of Monday, February 2, 2026, members of management considered claimant's resignation. The employer was displeased by claimant having left mid-shift on Friday; having told at least one coworker that she walked out and quit; having been unreceptive to the vice president's outreach over the weekend; and having sent the email with "demands" to be met in order for her to return to work. The employer therefore decided to accept claimant's resignation with immediate effect, rather than meeting with claimant to further discuss the matter. The employer disabled claimant's access to their computer systems, and later that day notified claimant that they had accepted her resignation.

(8) After being notified of the work separation, claimant spoke with the employer's human resources (HR) manager by phone. During the call, the HR manager told claimant that she and others were concerned about claimant's mental health, given the recent loss of her father, and suggested that after a few weeks of rest the employer would consider rehiring her. Prior to the events of January 30, 2026,

claimant had been approved for a period of vacation leave that was originally set to begin on February 5, 2026.<sup>2</sup> The HR manager suggested during the call that if claimant had requested to start her leave early on January 30, 2026, rather than announcing that she was quitting work, claimant would have been able to take leave without interruption to the employment relationship.

(9) On February 20, 2026, claimant's doctor provided her with a note stating, in relevant part:

[Claimant] has tremendous grief and stress in her life related to her father's passing, and is dealing with many issues related to this that are taxing her mental health greatly. She is understandably in a fragile mental health state, with more volatile emotions and less coping skills than usual. She will be prone to more emotional and impulsive reactions to stressors than usual, though I expect this all to be temporary. With some time and space to heal and deal with the aftermath of her father's passing, she will return to her usual calm and competent manner.

Exhibit 2 at 3.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit work without good cause.

**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).

On Friday, January 30, 2026, claimant was in her supervisor's office when she became upset, said "I'm done," gathered her things, and "walked out." Shortly thereafter, claimant sent a text to a coworker that said, in part, "I just walked out and quit." Later that day, claimant's supervisor asked claimant to take the weekend to reconsider her resignation, and the parties agreed to discuss the matter on Monday. With her supervisor's permission, claimant worked remotely on January 31 and February 1, 2026 to "wrap up her work. . . [and] finalize things." Transcript at 16-17. Over the weekend, claimant sent an email proposing terms under which she would rescind her resignation, such as adjusted work hours and remote work. On Sunday, claimant spoke with her supervisor by phone and the two agreed that claimant should request to rescind her resignation and immediately begin a period of leave before returning to work.

In the morning of Monday, February 2, 2026, the employer decided to accept claimant's resignation with immediate effect. The employer disabled claimant's access to their computer systems and cancelled the meeting, telling claimant that she could request to be rehired in a few weeks when she was ready to resume working.

---

<sup>2</sup> The record suggests that on January 27, 2026, claimant requested that the start date be delayed to February 9, 2026. See Exhibit 1 at 2-3.

When an employee voluntarily submits then subsequently attempts to withdraw their resignation, the employer's refusal to allow withdrawal does not change the voluntary nature of the resignation. *Counts v. Employment Department*, 159 Or App 22, 976 P2d 96 (1999). Here, claimant gave notice of her resignation on January 30, 2026, which the employer did not immediately accept or reject. While claimant intended to rescind the resignation at a February 2, 2026 meeting, the employer did not allow her to do so. Therefore, on February 2, 2026, claimant was willing to continue working for the employer for an additional period, but the employer did not allow her to do so. However, under the holding in *Counts*, the employer's rejection of claimant's attempt to rescind her resignation did not change the nature of the work separation, which claimant initiated of her own volition. Accordingly, the work separation was a voluntary leaving that occurred on February 2, 2026.<sup>3</sup>

**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 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). "[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). 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.

Claimant's doctor indicated in a note written after the work separation that claimant was experiencing mental health difficulties related to the December 22, 2025 death of her father. The doctor expected these difficulties to be temporary, and for claimant to recover "[w]ith some time and space." As less than six weeks had passed between the death and claimant's work separation, and claimant's doctor believed the effects on her mental health to be temporary, claimant did not have a permanent or long-term physical or mental impairment within the meaning of OAR 471-030-0038(4). Therefore, the standard good cause analysis applies.

Claimant quit work because she believed two people had "lied" to her supervisor about matters concerning her. The record does not show that claimant faced any direct or indirect consequences, such as potential discipline, regarding the statements she asserted were untrue. Moreover, the record does not suggest that the supervisor considered the statements to be true after hearing claimant's rebuttal of them. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work due to hearing about these statements.

However, claimant was temporarily experiencing mental health difficulties related to the death of her father when these events occurred. Claimant's reactions to the statements suggested that her condition may have been interfering with her ability to respond appropriately to workplace situations, and in that regard, the condition may have constituted a grave situation. Nonetheless, claimant had a reasonable alternative to leaving work for that reason.

---

<sup>3</sup> The date a claimant is separated from work is the date the employer or claimant ends the employer-employee relationship. OAR 471-030-0038(1)(a). Claimant continued to work until the employer accepted her resignation on February 2, 2026, ending the employment relationship.

Claimant was scheduled to begin a period of pre-approved vacation leave within approximately a week of the date claimant gave her resignation. During the weekend over which the parties considered how to proceed with the resignation, both claimant and the employer's management felt that claimant would benefit from immediate time off in furtherance of her mental health. It therefore would have been a reasonable alternative to resigning for claimant to have requested to advance the start of her leave to January 30, 2026.

Claimant testified that the employer had "denied pretty much" her request for bereavement leave, presumably in late December 2025, but the record does not show why that request was not fully approved, or whether claimant meant that the request had been delayed, partially denied, or something else. Transcript at 7. However, the employer had already approved claimant's leave requests for early February 2026. Furthermore, when claimant spoke with the HR manager shortly after her resignation was accepted, the HR manager told her, "They wish that you had just said. . . 'I just need to go home for the day, I need to think about this. . . I'll be back on Monday, I'll be back whenever.' Walk through that process. . . the leave process." EAB Exhibit 1 at 6:18. In weighing this evidence, it is more likely than not that the employer would have granted a request from claimant to begin her leave immediately on January 30, 2026, when she became upset and felt she was experiencing a "mental breakdown" from hearing untrue statements. Because claimant did not avail herself of this reasonable alternative to quitting work, she quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective February 1, 2026.

**DECISION:** Order No. 26-UI-325798 is modified, as outlined above.

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

**DATE of Service:** May 20, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



# 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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
 Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)  
 Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.