

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0393**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On July 2, 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 March 2, 2025 (decision # L0011586017).<sup>1</sup> Claimant filed a timely request for hearing. On September 25, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 9, 2025. On October 9, 2025, ALJ Deluga conducted a hearing at which the employer failed to appear, and on October 10, 2025, issued Order No. 25-UI-306920, reversing decision # L0011586017 by concluding that claimant voluntarily quit work with good cause, and therefore was not disqualified from receiving benefits based on the work separation.

On October 27, 2025, the employer filed a timely request to reopen the hearing. On April 1, 2026, and continued to April 17, 2026, ALJ Griffith conducted a hearing, and on April 21, 2026 issued Order No. 26-UI-327839, allowing the employer's reopen request, cancelling Order No. 25-UI-306920, and affirming decision # L0011586017 on the merits.<sup>2</sup> On April 24, 2026, claimant filed an application for review of Order No. 26-UI-327839 with the Employment Appeals Board (EAB).

**PARTIAL ADOPTION:** EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 26-UI-327839 allowing the employer's request to reopen the hearing. That part of Order No. 26-UI-327839 is **adopted**. See ORS 657.275(2).

<sup>1</sup> Decision # L0011586017 stated that claimant was denied benefits from May 4, 2024 to May 2, 2026. However, as decision # L0011586017 found that claimant quit work on March 4, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 2, 2025 and until he earned four times his weekly benefit amount. See ORS 657.176.

<sup>2</sup> The order under review failed to state the date on which claimant was disqualified from benefits. Order No. 26-UI-327839 at 6. However, as the order under review found that claimant quit work on March 3, 2025, it is presumed that it intended to affirm decision # L0011586017 by concluding that he was disqualified effective March 2, 2025. See Order No. 26-UI-327839 at 3.

**FINDINGS OF FACT:** (1) America’s Best Company, LLC employed claimant from November 4, 2024 through March 4, 2025.<sup>3</sup> The employer operated a cannabis grow and processing business, and claimant worked for them as their trim manager.

(2) Claimant’s girlfriend also worked for the employer. While working for the employer, claimant and his girlfriend lived together in a converted school bus, along with their two large dogs. Towards the end of claimant’s employment, the bus was parked in the parking lot of the employer’s facility.

(3) As the employer’s trim manager, claimant oversaw the employees who worked trimming cannabis flower within the employer’s facility. This necessarily brought claimant into regular close contact with the employer’s grow operation.

(4) At some point prior to February 2025, claimant began experiencing respiratory trouble while working at the employer’s facility. This led him to start using an over-the-counter inhaler, which brought him some relief. On February 5, 2025, claimant had an episode of shortness of breath at work, and subsequently was taken to the emergency room by a coworker. At the hospital, claimant was diagnosed with asthma, and treated with a round of anti-inflammatory steroids. Claimant told the treating physician that he believed the asthma had been caused by an allergy or reaction to either the cannabis plants themselves or a pesticide they had been treated with. The physician, in response, suggested that claimant wear a respirator to work. Claimant subsequently purchased a respirator from a hardware store, which the employer reimbursed him for.

(5) After the incident on February 5, 2025, claimant continued to perform his work for the employer as usual. Claimant used the respirator at work intermittently, though he frequently took it off or wore it improperly, as it was uncomfortable and made communication with other employees difficult. Claimant continued to experience asthma-related symptoms during this time.

(6) On February 19, 2025, claimant worked his final shift for the employer. On February 20, 2025, claimant left for a scheduled trip to South Carolina to visit his mother, with a planned return to work date of March 3, 2025. While in South Carolina and away from work, claimant found that his asthma symptoms subsided to some extent.

(7) On or around March 2, 2025, upon their return to Oregon, claimant and his girlfriend moved their bus from the employer’s parking lot to the property of one of their coworkers. On March 3, 2025, claimant contacted his manager, and told her that he and his girlfriend were dissatisfied with their living arrangements, as the property they had moved the bus to was insufficient, and the couple had, in any case, grown tired of living on a bus with two large dogs. Claimant further explained to the manager that he and his girlfriend were considering quitting so that they could move to Madras, Oregon, as they were concerned for the well-being of the girlfriend’s mother who lived there and who suffered from a traumatic brain injury. Claimant also mentioned that his respiratory issues had not resolved, and that he was considering quitting, in part, for this reason. Claimant told the manager that he would sleep on the decision, and notify her of his decision the following day.

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<sup>3</sup> America’s Best Company, LLC employed claimant in what appears from the record to be a co-employment relationship with an entity called “New Frontier.” See April 1, 2026 Transcript at 4–6. While America’s Best Company, LLC handled payroll and such matters for New Frontier, the latter was the entity for which claimant actually performed work, and is the one referred to as “the employer” for purposes of this decision.

(8) On March 4, 2025, claimant texted his manager and notified her that he was quitting with immediate effect, but requested to speak with the manager in person. Later that day, claimant, his girlfriend, and their manager met in person and discussed the couple's departure. During the meeting, the manager offered claimant the opportunity to work at the employer's office, which was in a different building that did not have any cannabis grow operations housed within it. The manager also spoke to claimant's girlfriend separately, and asked her to continue working for the employer with a modified schedule. However, both claimant and his girlfriend declined the employer's offer and reiterated their decision to quit, citing claimant's health and that "they needed to get back to Madras to be with [the girlfriend's] mom." April 1, 2026 Transcript at 26. Claimant did not work for the employer thereafter, and moved to Madras with his girlfriend on or around March 15, 2025.

(9) Prior to quitting, claimant did not seek a leave of absence to address his medical condition.

**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 asthma, 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.

On March 4, 2025, claimant voluntarily quit working for the employer, citing to the employer both issues with his health and the decision to move to Madras with his girlfriend to care for her mother. At hearing, claimant disputed that he had quit in order to move to Madras, asserting instead that he quit only because of the concerns about his health. *See, e.g.*, April 17, 2026 Transcript at 14. The record contains multiple other disputed facts relating to the reasons that claimant left work. However, claimant's testimony contained multiple implausible assertions, casting significant doubt on the reliability of his testimony. For instance, as the order under review explained, claimant's assertion at hearing that the doctor treating him for asthma never recommended that he quit smoking tobacco, despite being a tobacco user, is improbable on its face. Order No. 26-UI-327839 at 6; April 17, 2026 Transcript at 18. Likewise, claimant's assertion at hearing that he intended to leave the cannabis industry entirely due to his asthma is contradicted by the employer's testimony that claimant asked another of the employer's employees shortly after he quit about a different cannabis industry job located in Boring, Oregon. October 9, 2025 Audio Record at 14:12; April 17, 2026 Transcript at 34-35.

Given these concerns with the credibility of claimant's testimony, above, as well as the fact that claimant bears the burden of proof in this matter, the employer's account, where it differs with claimant's, is deemed more probable, and the facts have therefore been found in accordance with the employer's account. Furthermore, in light of the diminished reliability of claimant's testimony, his assertion at hearing that he quit solely due to his health concerns and not, for example, a decision to

move to Madras with his girlfriend, is not supported by the record, and the record, in fact, does not show why claimant actually quit. Because the proximate cause of claimant's decision to quit cannot be determined, claimant has not met his burden to show that he quit for good cause.

Finally, to the extent that claimant's decision to quit *was* motivated, in part, by his health concerns, he has not shown that this constituted good cause for quitting. Even assuming that his asserted health concerns were correct, and that he was facing a grave situation because of workplace exposure to one or more substances that caused him to suffer from respiratory distress, claimant failed to seek reasonable alternatives to quitting. The record shows that the employer offered to allow claimant to work in a different segment of the business, performing work away from actual cannabis plants and in a building in which no grow operations were housed, but that he declined to do so. A reasonable and prudent person suffering from asthma due to workplace exposure, when offered to move to a position in which they would no longer be exposed to the asthma trigger, would have accepted such an offer rather than quit. As such, to the extent that claimant quit work for health reasons, he did not quit for a reason of such gravity that he had no reasonable alternative but to quit, and therefore quit without good cause.

For the above reasons, claimant voluntarily quit work without good cause, and therefore is disqualified from receiving unemployment insurance benefits effective March 2, 2025.

**DECISION:** Order No. 26-UI-327839 is affirmed.

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

**DATE of Service:** June 5, 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 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**  
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