

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0398**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 18, 2026, 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 from December 14, 2025 to January 16, 2027 (decision # L0016546095). Claimant filed a timely request for hearing. On April 15, 2026, ALJ Christon conducted a hearing at which the employer failed to appear, and on April 21, 2026 issued Order No. 26-UI-327788, modifying decision # L0016546095 by concluding that claimant quit without good cause and was disqualified from receiving benefits effective December 14, 2025, and until requalified under law. On April 27, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Coquille Broiler, Inc. employed claimant as a cook from October 7, 2025 through December 20, 2025. Claimant worked part time and was paid \$15 per hour.

(2) On December 15, 2025, claimant received an offer of full-time work that would pay \$20 per hour from Cogir Senior Living (“Cogir”). The same day, claimant accepted the offer and gave notice to the employer of his intent to resign, effective December 20, 2025. The written offer stated that employment was contingent on claimant passing a background check. Claimant expected to pass the background check since he had recently been permitted to work for another employer in a healthcare setting.

(3) On December 16, 2025, claimant began working for Cogir.

(4) On December 20, 2025, claimant quit working for the employer due to having full-time work with Cogir.

(5) On January 7, 2026, Cogir received the results of claimant’s background check, which indicated that he was not permitted under state law to continue working in his position. This led to claimant separating from that employment.

**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).

A claimant who leaves work to accept an offer of other work “has left work with good cause only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay [either] an amount equal to or in excess of the weekly benefit amount; or an amount greater than the work left.” OAR 471-030-0038(5)(a).

Claimant quit working for the employer because he was working at a higher-paying, full-time job for Cogir. The order under review concluded that claimant quit “for another job” that was not “definite” due to having an unfulfilled contingency, and a finding of good cause was therefore precluded by OAR 471-030-0038(5)(a). Order No. 26-UI-327788 at 2-3. The record does not support the conclusion that OAR 471-030-0038(5)(a) is applicable, as claimant did not quit work *to accept an offer of other work*.

Claimant received and accepted Cogir’s offer of work on December 15, 2025, and began working for them the following day. Although the written offer set forth a contingency regarding passing a background check, that Cogir allowed claimant to begin working before the results of the check were known demonstrated that claimant’s *continued* employment, rather than the *offer of* employment, was contingent on the results. Once claimant began working for Cogir on December 16, 2025, there was no longer an *offer of other work* available to claimant, and he therefore could not have quit working for the employer on December 20, 2025 *to accept an offer of other work*.<sup>1</sup> OAR 471-030-0038(5)(a) is therefore inapplicable, and the standard “good cause” analysis applies.

Under that analysis, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would have left work at the time claimant did, as the work for Cogir was full time whereas the employer offered only part-time work, and Cogir paid \$5 per hour more than the employer did. Claimant assumed at the time he quit working for the employer that the background check would not be an impediment to long-term employment with Cogir. That claimant was later proven to be incorrect in that assumption does not change that, as of December 20, 2025, a reasonable and prudent person with knowledge of the relevant facts would have quit the part-time, lower paying work with the employer in favor of continuing in the full-time, higher-paying position with Cogir. Accordingly, claimant quit work with good cause.

For these reasons, claimant quit work with good cause and is not disqualified from receiving benefits based on the work separation from Coquille Broiler, Inc.

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<sup>1</sup> See *Early v. Employment Dep’t.*, 247 Or App 321, 360 P3d 725 (2015) (the “appropriate time to evaluate whether [a] claimant had good cause was not when claimant provided [their] notice, but when [they] actually quit the job”).

**DECISION:** Order No. 26-UI-327788 is set aside, as outlined above.

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

**DATE of Service: June 4, 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**

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**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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