

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0432**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On February 23, 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 benefits effective January 4, 2026 (decision # L0016093255).<sup>1</sup> Claimant filed a timely request for hearing. On April 2, 2026, ALJ Parnell conducted a hearing, and on April 9, 2026, issued Order No. 26-UI-326673, affirming decision # L0016093255. On April 29, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** 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). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

**FINDINGS OF FACT:** (1) Creative Care Connections employed claimant as a direct service professional from August 25, 2025 until January 9, 2026. Claimant was employed by the employer, who managed claimant's assignment, provided training, and required claimant to use their app to complete progress notes. However, claimant's work involved her working as a caregiver for one of her adult daughter's young sons, and required claimant to be present in her daughter's home. During her employment, claimant worked in her daughter's home on Mondays, Wednesdays, and Fridays.

(2) Claimant found that, at times, her daughter used foul language in her home. Claimant had been raised in a household in which foul language was not used and, from an early age, disliked the use of

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<sup>1</sup> Decision # L0016093255 stated that claimant was denied benefits from January 4, 2026 to May 16, 2026. However, decision # L0016093255 should have stated that claimant was disqualified from receiving benefits beginning Sunday, January 4, 2026 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

curse words in her presence. Claimant had raised her daughter in a similar manner and so it particularly bothered her when her daughter used swear words in her presence.

(3) On January 7, 2026, claimant was working in her daughter's home and overheard her daughter and her daughter's teenage son (a different son from the son for whom claimant provided care), arguing about the son's use of his cell phone at school. During the argument, claimant's daughter lectured her son about the use of the phone and used swear words, such as the "s word" and the "f word." Transcript at 11. Claimant's daughter used the curse words for emphasis, not as insults or to name-call. Claimant's daughter did not direct the curse words at claimant, but it bothered claimant to overhear the foul language.

(4) The next day, claimant approached her daughter and asked her to not use foul language in her presence. Claimant's daughter responded that claimant had no right to tell her how to speak in her own home, and that she did not plan to modify her language for claimant's benefit.

(5) Claimant had not asked her daughter to refrain from using foul language previously. Though claimant had noticed her daughter's use of foul language increasing in the two years prior to January 2026, claimant had tolerated her daughter's use of foul language without raising the matter with her.

(6) During the conversation between claimant and her daughter, the daughter mentioned that, to avoid the possibility of hearing her use foul language, claimant could change her work schedule from Mondays, Wednesdays, and Fridays to the weekends, when the daughter could arrange to be away from home doing errands and the like. Claimant did not want to pursue the option of changing her work schedule to weekends with her daughter arranging to be away, because she thought there was value in her daughter and her daughter's husband being home together with their children on those weekend days.

(7) On January 8, 2026, claimant informed her daughter that she was resigning effective immediately due to the daughter's tendency to use foul language and the risk that claimant would overhear it while working in the daughter's home.

(8) Thereafter, claimant's daughter told the employer that claimant had resigned and attributed the resignation to claimant being elderly and having difficulty keeping up with the child. At or around that time, claimant sent the employer a letter that suggested that the reason she had resigned was the risk of overhearing her daughter use foul language.

(9) The employer's owner checked in with the daughter about the matter. The daughter told the owner that she typically tried to avoid using swear words around claimant because she knew doing so bothered claimant, but that during the argument with her teenage son on January 7, 2026, she did not realize claimant was nearby. The daughter further told the owner the words she had used during the argument and how she used them. The daughter explained to the owner that she had told claimant that she would try to not use curse words around her but could not guarantee it, and had offered claimant to switch to working weekends but claimant was not interested in that option. Based on her review of the situation, the owner concluded that the daughter's use of foul language had not been a significant issue.

(10) Prior to quitting work, claimant did not raise with the employer her concerns about having to overhear foul language in her daughter's home. She did not do so because she believed that her daughter was doing a good job raising claimant's grandchildren, and claimant did not want to put her daughter through the inconvenience of being scrutinized by the employer. Had claimant raised with the employer her concerns about having to overhear foul language in her daughter's home, the employer's owner would have checked in with the daughter, as she ultimately did after claimant quit. Following such a check in, the employer would not have required the daughter to modify her behavior because the use of foul language was not considered to have been significant and the employer's policy was to "allow . . . families to run their homes . . . how they choose," absent abuse or mistreatment of the direct service professional. Transcript at 25.

**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 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 voluntarily quit work because she was offended by her daughter's use of foul language. Claimant was not presented with a grave situation when she quit work. Overhearing the "s word" and the "f word" used by her daughter, for emphasis and not as an insult, and not directed at claimant, did not place claimant in a situation of such gravity that she had no reasonable alternative but to leave work when she did. To be clear, claimant is not to be faulted for having a particular dislike for the use of foul language in her presence. However, the option was available for claimant to leave the room for a short period of time so that she would not overhear the language, or simply withstand or ignore the swear words being used. Claimant had in fact done so during the two years leading up to January 7, 2026, during the time that she had noticed her daughter's use of foul language increasing, but had not said anything.

Claimant also failed to pursue reasonable alternatives prior to leaving work. First, claimant did not raise with the employer her concerns about having to overhear foul language in her daughter's home. If she had done so, the owner would have looked into the matter, and ultimately not required the daughter to modify her behavior, as the use of foul language was not significant. However, the owner's act of checking in with the daughter would likely have made the daughter more conscious of claimant's sensitivity to hearing foul language. This is so because the daughter had told the owner that she typically tried to avoid using swear words around claimant because she knew that doing so bothered her, but on January 7, 2026, did not realize claimant was nearby. Thus, though the daughter had told claimant that that she did not plan to modify her language for claimant's benefit, her comments to the owner suggest that, had claimant raised the matter with the owner, the daughter would have become more aware of claimant's sensitivity to cursing, and therefore be less likely to expose her to the risk of overhearing foul language going forward.

Second, claimant could have changed her schedule to weekends as her daughter had suggested, which would have ensured her daughter was away running errands during claimant's work shifts and eliminated the risk of claimant overhearing foul language. Claimant rejected this option because she thought there was value in her daughter and her daughter's husband being home together with their children on those weekend days. However, it is not evident that any harm would come to the children based on adopting the daughter's proposed arrangement, particularly given that weekend days are often when errands or other tasks outside the home are carried out, and so claimant did not show that pursuing this alternative to quitting work was not reasonable.

For these reasons, claimant voluntarily left work without good cause and therefore is disqualified from receiving unemployment insurance benefits effective January 4, 2026.

**DECISION:** Order No. 26-UI-326673 is affirmed.

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

**DATE of Service: June 10, 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**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 دستورالعمل 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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