

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0515

Reversed
Disqualification

PROCEDURAL HISTORY: On March 30, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and was therefore not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0016782603). The employer filed a timely request for hearing. On May 7, 2026, ALJ Wahl conducted a hearing, and on May 8, 2026 issued Order No. 26-UI-329848, affirming decision # L0016782603. On May 19, 2026, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered the employer's argument in reaching this decision.

FINDINGS OF FACT: (1) Hearts With a Mission employed claimant from September 2019 through January 25, 2026, most recently as a family advocate at a "runaway homeless youth shelter." Transcript at 20.

(2) Claimant worked for the employer in various positions and with varied schedules during her tenure. These schedules sometimes involved weekend and evening work. From approximately July through mid-October 2025, claimant was not scheduled to work evening shifts. However, on October 14, 2025, the employer told claimant that her schedule would return to including some evening shifts. For the next several days, claimant was absent from work for medical reasons, and she therefore did not begin working the modified schedule.

(3) On October 23, 2025, claimant notified the employer that she was seeking protected leave in connection with the diagnosis of an autoimmune disorder. Claimant was granted such leave through Paid Leave Oregon, initially from October 27, 2025 through January 27, 2025. The end date of the leave was later modified to January 18, 2026.

(4) On December 5, 2025, claimant sent an email to the employer requesting to return to work at that time on a part-time basis. The employer sent claimant a "fitness for duty" form to be completed by her

doctor, and if cleared for such a work schedule, would have accommodated it. Exhibit 1 at 10. After learning that she would not receive Paid Leave Oregon benefits for partial days worked, claimant decided not to resume part-time work and remained on leave.

(5) On January 12, 2026, the employer emailed claimant asking if she still planned to return to work on January 19, 2026, and stating that she must provide a completed “fitness for duty” form before resuming work. Claimant replied that she intended to return on January 19, 2026, and would pursue getting the form completed, but that her next appointment with her doctor was scheduled for January 20, 2026.

(6) On January 13, 2026, claimant discussed her work schedule with the shelter manager and learned that due to short-staffing she would be required to work on Sundays, and of four weekday shifts, two would conclude at 10:00 p.m. and two at 8:00 p.m. The shelter manager understood claimant’s only objection to this schedule to be about working on Sundays, as she preferred to spend weekends with her 17-year-old granddaughter.

(7) Claimant’s condition caused difficulty with prolonged sitting or standing, and she felt that it was exacerbated by stress. In January 2026, claimant’s symptoms were controlled with medication for part of the day, but worsened as the day went on, such that she believed she would not be able to work in the evenings.

(8) By January 23, 2026, claimant had not returned the completed “fitness for duty” form, and that day the employer sent claimant an email inquiring about its status and stating that they “[understood] that coordinating with medical providers can take some time[.]” Exhibit 1 at 14. Claimant intended to have her primary care doctor complete the form, but could not get an appointment at that office until March 2026.¹ The employer would have allowed claimant additional unpaid leave to pursue completion of the form.

(9) On January 25, 2026, claimant sent the employer an email stating, in relevant part: “I will not be returning to work following my medical leave. Upon being informed of my return to work schedule, it became clear that the schedule represents a substantial and unilateral change from my prior terms of employment. Given my medical status and recovery needs, this revised schedule is not feasible for me. As a result I am resigning, effective immediately.” Exhibit 1 at 15. The employer replied with an acceptance of the resignation, stating, in relevant part: “We have not received an updated medical certification or a return-to-work form. As a result, we have not been informed of your current medical status or any required workplace accommodations, including whether a medical condition necessitates specific work hours.” Exhibit 1 at 16. Claimant did not work for the employer thereafter.

(10) In January 2026, the employer had multiple open positions for which claimant was qualified, including some with Monday through Friday schedules and workdays that ended between approximately 5:00 p.m. and 6:00 p.m. The hourly wages for those positions were within “a few dollars” of what claimant earned at the time of the work separation. Transcript at 33. Claimant did not inquire about transferring to one of these positions because she believed all available positions required weekend and evening work.

¹ Presumably, this was a different doctor than the one claimant was scheduled to see on January 20, 2026.

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 an autoimmune 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 due to changes the employer intended to make to her work schedule, including that she work on Sundays and weekday evenings. Claimant asserted at hearing that her medical condition prevented her from working in the evenings due to pain that increased through the day and was exacerbated by stress. The order under review concluded that the proposed schedule change posed a grave situation and that claimant had no reasonable alternative to leaving work. Order No. 26-UI-329848 at 3. The record supports that claimant faced a grave situation, but not that she lacked a reasonable alternative to leaving work.

As claimant’s period of protected leave was ending in January 2026, her autoimmune disorder caused her to experience pain with prolonged standing and sitting, which was exacerbated by stress. Claimant testified that she was prescribed medicine at that time which controlled the pain, but it gradually wore off through the day, such that she would not be able to work evenings. Transcript at 9. The employer asserted at hearing that claimant did not raise this concern prior to her resignation and instead objected only to working on Sundays because she preferred to spend weekends with her granddaughter. Transcript at 21. While claimant may have failed to raise the issue earlier with the employer, her testimony regarding the severity of her symptoms and their impact on her ability to work evenings is entitled to significant weight and was not rebutted. As such, claimant has shown that, more likely than not, she was unable to work all the hours the employer intended to schedule her to work, and therefore faced a grave situation.

However, claimant had a reasonable alternative to leaving work. The employer provided claimant with a “fitness for duty” form and required that she return it, completed by her doctor, before she was able to resume working. The employer’s email accepting claimant’s resignation suggested that, had claimant’s doctor represented on the form that “a medical condition necessitates specific work hours,” the employer likely would have attempted to accommodate the doctor’s recommendations. Exhibit 1 at 16. Moreover, the employer’s January 23, 2026 email inquiring about the status of the form stated that they understood the process of getting a doctor to complete the form could “take some time,” and an employer witness testified that they were willing to grant claimant additional unpaid leave time in order to get the form completed. Exhibit 1 at 15; Transcript at 33-34. Additionally, the employer expressed a willingness to allow claimant part-time work in December 2025, if supported by a doctor’s recommendation, and the shelter manager testified regarding two positions with multiple vacancies in January 2026 for which claimant was qualified, and which generally did not require weekend or evening work. Transcript at 27,

30-31. Claimant did not inquire about transferring to another position prior to resigning because she mistakenly believed that the only available positions at that time had similar weekend and evening schedules.

In considering these circumstances, claimant has not shown by a preponderance of the evidence that remaining on leave until her doctor completed the “fitness for duty” form and requesting that the employer modify her schedule to comport with her doctor’s recommendations on the form would have been futile in resolving the grave situation she faced. The employer’s previous willingness to provide such scheduling accommodation if supported by a doctor’s recommendation, along with the availability of similar positions with daytime shifts, supports that this course of action was a reasonable alternative to claimant leaving work when she did. Accordingly, although claimant faced a grave situation, she had a reasonable alternative to quitting work, and therefore quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective January 25, 2026.

DECISION: Order No. 26-UI-329848 is set aside, as outlined above.

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

DATE of Service: June 30, 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 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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