

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0530

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 30, 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 22, 2026 to February 20, 2027 (decision # L0017320849). Claimant filed a timely request for hearing. On May 19, 2026, ALJ Murray conducted a hearing, and on May 20, 2026 issued Order No. 26-UI-330763, modifying decision # L0017320849 by concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving benefits effective February 8, 2026, and until requalified. On May 23, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: The employer did not state that they provided a copy of their argument to claimant 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 the employer's reasonable control prevented them from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019).¹ EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) The city of Yoncalla, Oregon employed claimant as their public works director from November 2021 through February 10, 2026. Claimant was paid an hourly wage and was eligible for overtime pay.

(2) On February 5, 2026, a new city administrator took office and became claimant's immediate supervisor. The new city administrator had previously supervised claimant when they both worked for a

¹ The employer alluded at hearing to having submitted documents to be admitted as evidence, but the record was not developed as to what the documents were, whether a copy had been provided to claimant before the hearing, and why the Office of Administrative Hearings (OAH) had not received them. *See* Transcript at 20-21. The employer's argument also did not provide this information. Under these circumstances, the employer has not shown that factors beyond the employer's reasonable control prevented the employer from offering the specific documents now accompanying the written argument at or before the hearing.

different municipality and had discharged claimant from that job. This history caused tension between the two of them when the new city administrator took office. Claimant had regularly scheduled days off on February 6, 7, and 8, 2026, and he was absent due to illness on February 9, 2026. Claimant next worked on February 10, 2026.

(3) Within days of taking office, the new city administrator reviewed a recent email exchange between claimant and the previous city administrator in which claimant was directed to work standard business hours except for a monthly rotating weekend shift, so that he was available during the entirety of the shifts of the employees he supervised. Claimant was also directed to attend all city council meetings, which were held in the evening. In the emails, claimant maintained that he would continue to work shifts of approximately 5:00 or 6:00 a.m. to 2:00 p.m., and attend only those city council meetings pertaining to his department, because he did not like driving home at night. The new city administrator intended to reiterate and enforce these directives when he met with claimant.

(4) On February 10, 2026, claimant went to the city administrator's office and briefly met with him.² During the meeting, the city administrator discussed the emails and reiterated the directives in them concerning claimant's schedule and attendance at city council meetings. Claimant contended that these directives were inconsistent with the written job description for his position, and that this was tantamount to rewriting the job description. The city administrator told claimant that he had not yet located the written job description on file, but reaffirmed that these directives would stand. The city administrator told claimant that if he "didn't like it," he would "cut [claimant] a check right away." Transcript at 7. Claimant stood up, said, "I don't have to [fucking] follow your. . . direction," and left the building. Transcript at 18. Claimant did not attempt to return to work for the employer thereafter. The employer had not intended to discipline or discharge claimant, at least until the moment he used foul language toward the city administrator and left.

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).

Claimant asserted at hearing that the employer had discharged him by requiring that he accept changes to his work schedule and offering to prepare a final paycheck as an alternative if he "didn't like" the changes. Transcript at 5. In contrast, the employer asserted that claimant quit work, and that they had no intention of disciplining or discharging claimant, despite his having expressed resistance to the scheduling changes, at least through the point in the conversation when claimant used foul language toward the city administrator and left the building without attempting to return to work thereafter. Transcript at 23.

² The parties disputed whether claimant went there on his own initiative or was called by the city administrator and directed to report there. This distinction does not affect determination of the nature of the work separation.

Regardless of whether claimant intended to accept the changes to his work schedule, the employer at no point expressed to claimant that he was not permitted to continue working the remainder of his shift on February 10, 2026, or thereafter. Claimant may have been subject to future discipline, including discharge, had the new schedule been formalized and claimant failed to comply with it. However, that process had not yet begun at the time claimant left work early on February 10, 2026. The city administrator's statement that a final paycheck could be prepared if claimant did not like the scheduling directives was only a suggestion that claimant consider resigning if he was unwilling to comply with the directives, and did not imply that the employer was unilaterally ending claimant's employment at that moment. In contrast, claimant's use of foul language toward his supervisor immediately before leaving the building and failure to return to work thereafter demonstrated that claimant was unwilling to continue working for the employer for an additional period of time. Accordingly, the work separation is a voluntary leaving that occurred on February 10, 2026.

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 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). "[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 quit work because he disagreed with changes the employer was making to his schedule, including that he work standard business hours and attend all city council meetings. This represented an approximately three-hour shift in the times claimant arrived at and left work most days, as well as additional occasional evening work. Claimant typically attended city council meetings where business pertaining to his department was discussed, and it is unclear from the record what the frequency or duration of meetings not involving his department would be. However, claimant would be paid his usual wage for time spent at the meetings. Claimant was asked at hearing what "specific hardship" would result from these changes, and he replied, in relevant part, "I already live 30 miles away. . . I'd be driving home at night and it was. . . overtime that wasn't required. I was already working overtime every three weeks on call." Transcript at 6-7. Claimant did not further explain his displeasure regarding the scheduling changes, and the record does not suggest that he was incapable of driving in the dark.³

Although claimant had been permitted greater latitude in setting his work schedule for the first four years of his employment, it is generally within an employer's discretion to make reasonable adjustments to an employee's schedule or job description to meet the organization's needs. The changes to be imposed by the employer would not have resulted in work hours that could be considered unusual for the occupation, or that would require unpaid or onerous amounts of overtime. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work due to the schedule changes. Accordingly, claimant did not face a grave situation, and therefore quit work without good cause.

³ That claimant typically arrived at work by 6:00 a.m. and attended some evening city council meetings suggests that for at least portions of the year, claimant regularly drove in the dark during his employment.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective February 8, 2026.

DECISION: Order No. 26-UI-330763 is affirmed.

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

DATE of Service: July 2, 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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