

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0533

Reversed
No Disqualification

PROCEDURAL HISTORY: On December 4, 2025, 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 effective May 11, 2025 (decision # L0014411301). On December 24, 2025, decision # L0014411301 became final without claimant having filed a request for hearing. On December 30, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on January 7, 2026 issued Order No. 26-UI-316348, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 21, 2026. On January 27, 2026, Order No. 26-UI-316348 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB).

On February 19, 2026, claimant filed a late appellant questionnaire response. ALJ Scott reviewed the response, and on February 26, 2026 issued Order No. 26-UI-321670, canceling Order No. 26-UI-316348, declining to consider claimant's appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On March 15, 2026, claimant filed an application for review of Order No. 26-UI-321670 with EAB. On April 13, 2026, EAB issued EAB Decision 2026-EAB-0256, reversing Order No. 26-UI-316348, allowing claimant's late request for hearing, and remanding the matter for a hearing on the merits of decision # L0014411301. On April 28, 2026, ALJ Enyinnaya conducted a hearing at which the employer failed to appear, and on May 6, 2026 issued Order No. 26-UI-329460, affirming decision # L0014411301. On May 25, 2026, claimant filed an application for review of Order No. 26-UI-329460 with 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 her 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) Linfield University employed claimant as an operations technician from January 2021 through June 30, 2025.

(2) In May 2025, the employer announced that they planned to lay off approximately 40 employees by the end of June 2025, and solicited volunteers who would receive the equivalent of three months' wages in exchange for quitting work on or before June 30, 2025. Employees who did not volunteer and were subsequently laid off would receive no severance payment. Claimant believed that employees in her department and position had a high likelihood of being selected for these layoffs. Claimant therefore entered into the severance agreement approximately one week after it was offered, to avoid the risk of being laid off without the severance payment.

(3) On June 16, 2025, claimant last performed work for the employer in accordance with the terms of the severance agreement. Claimant used accrued paid leave from June 17, 2025 until it was exhausted shortly before June 30, 2025. The employer did not require claimant to perform work after her leave balance was exhausted, and claimant's resignation became effective on June 30, 2025.¹

CONCLUSIONS AND REASONS: Claimant voluntarily 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).

Claimant quit work to guarantee a severance payment as she faced potentially being laid off. The order under review concluded that this was not a grave situation and that claimant had a reasonable alternative of waiting to see if she would actually be laid off. Order No. 26-UI-329460 at 2. The record does not support this conclusion.

The employer planned to lay off approximately 40 employees in June 2025. Employees potentially subject to these layoffs who agreed to voluntarily leave work by June 30, 2025 received a severance payment equivalent to three months' wages, but those who were laid off after rejecting the agreement would receive no severance payment. Faced with the choice of whether to accept such an agreement, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would consider the likelihood that they would be among the employees selected to be laid off, as well as the financial repercussions of each potential outcome.

Claimant maintained throughout the hearing that she understood her "position was going to be impacted" by the announced layoffs, and when asked what would have happened had she rejected the severance offer, testified, "From what I understand I would have still been laid off but without the severance," and later testified, "I don't think there was a possibility of me not being laid off." Audio

¹ It is unclear from the record whether the severance agreement called for claimant's employment to end on the date her leave balance was exhausted or if she was simply excused from working between the date she exhausted her leave balance and June 30, 2025. However, June 30, 2025 was the most likely date that the employment relationship ended.

Record at 19:18, 24:33. Claimant did not explain how she came to understand when deciding whether to accept the agreement that she would have still been laid off had she not accepted it, but testified that a coworker in her department who had rejected the offer was laid off, and that this had later “reinforced [her] understanding.” Audio Record at 25:25.

The employer did not participate in the hearing and therefore did not rebut claimant’s testimony regarding her certainty that she would be among those laid off if she rejected the agreement. As such, it is more likely than not that claimant faced a high probability of being laid off had she not accepted the agreement. Moreover, claimant would have been risking a substantial financial loss, in the equivalent of three months’ pay, if she rejected the agreement. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would have accepted the severance agreement as claimant did. Claimant therefore faced a grave situation.

The record does not suggest that claimant had any reasonable alternative to accepting the severance agreement that would likely have preserved her employment beyond June 30, 2025, or avoided loss of the severance payment. Accordingly, claimant quit work for a reason of such gravity that she had no reasonable alternative but to leave work and therefore quit with good cause.

For these reasons, claimant voluntarily quit work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 26-UI-329460 is set aside, as outlined above.

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

DATE of Service: July 8, 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

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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