

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0578

Reversed
No Disqualification

PROCEDURAL HISTORY: On October 28, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant refused an offer of suitable work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective August 24, 2025 (decision # L0013663969).¹ Claimant filed a timely request for hearing. On May 13, 2026, ALJ Blam conducted a hearing, and on May 19, 2026, issued Order No. 26-UI-330697, affirming decision # L0013663969. On June 4, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Claimant customarily worked as an education administrator for kindergarten through secondary education. The employer employed claimant during the school years of 2022-2023, 2023-2024, and 2024-2025. During the latter two school years, claimant worked as one of the employer's principals and also taught three classes for them. Claimant also had experience teaching art classes.

(2) At some point after the 2024-2025 school year but before mid-August 2025, the employer stopped employing claimant. On August 14, 2025, claimant filed an initial claim for unemployment insurance benefits. The Department determined that claimant had a monetarily valid claim for benefits.

(3) On August 29, 2025, the employer offered claimant work as an art teacher, teaching class on Tuesdays and Thursdays for one hour each day. The job would have required claimant to spend about two hours per week preparing for the classes. Claimant would also have had to spend about an hour a week organizing student art exhibits and maintaining the classroom, along with other miscellaneous tasks, like ordering supplies and attending teacher meetings. As a result, the offered job would typically have required claimant to work at least five hours per week.

¹ Decision # L0013663969 stated that claimant was denied benefits from August 24, 2025 to August 8, 2026. However, decision # L0013663969 should have stated that claimant was disqualified from receiving benefits beginning Sunday, August 24, 2025 and until he earned four times his weekly benefit amount. See ORS 657.176.

(4) The offer called for claimant to work a 36-week school year and would pay claimant a \$5,000 salary for the school year. Considering that claimant would typically work five hours per week over the course of 36 weeks, the offered job's \$5,000 salary equated to about \$27.78 per hour.

(5) Claimant's labor market area was the area including the Portland, Oregon metropolitan area. The median rate of pay for art teachers in claimant's labor market area was \$32.37 per hour. A rate of pay that is 90% of the median rate of pay for art teachers in claimant's labor market area was \$29.13 per hour.

(6) On August 29, 2025, claimant refused the employer's offer of work because he was dissatisfied with the rate of pay for the offered position.

CONCLUSIONS AND REASONS: Claimant did not fail without good cause to accept suitable work when offered because the offered work was not suitable.

ORS 657.176(2)(e) requires a disqualification from unemployment insurance benefits if an individual failed without good cause to accept suitable work when offered. In a job refusal case, the burden of proof is on claimant to establish that a valid offer of work made by an employer was not suitable, or that claimant had good cause to refuse the offer. *Vail v. Employment Department*, 30 Or App 365, 567 P2d 129 (1977) (a claimant who is unemployed and who refuses an offer of employment has the burden of showing that the work offered is not suitable). However, the employer must first establish that they made claimant a *bona fide* offer of suitable work and that claimant refused it. To establish that they made a "bona fide" offer of employment, the employer must show that claimant understood "[t]he details of the job (type of work, duties, hours and days, rate of pay, start date, etc.)." Oregon Employment Department, Unemployment Insurance Policy Guide 142 (January 2026). Only if the employer meets that burden does the burden shift to claimant to show the offer of work was not suitable, or to show claimant had good cause for refusing it.

The order under review concluded that the employer had made a bona fide offer of work to claimant, that the work offered was suitable, and that claimant refused the offer without good cause. Order No. 26-UI-330697 at 3-4. The record supports that the employer's offer was bona fide. However, the record does not show that the offered work was suitable. Because the record shows that the work offered was not suitable, the issue of whether claimant had good cause to refuse the offer need not be reached.

The offer of the art teacher work that the employer made on August 29, 2025 was a bona fide offer of work because the employer conveyed the details of the job. Claimant understood the offer called for claimant to work a 36-week school year for a \$5,000 salary for the school year. Claimant also understood that the job was to entail working two hours per week of class time, plus about two hours per week preparing for classes, plus about one hour per week spent on miscellaneous tasks, for a total of about five hours per week. On August 29, 2025, claimant refused the employer's offer of work. The employer therefore established that the offer work was bona fide and that claimant refused it.

As such, the analysis proceeds to whether the offered work was suitable. Factors to consider when determining whether work is "suitable" include, in pertinent part, "the degree of risk involved to the health, safety and morals of the individual, the physical fitness and prior training, experience and prior

earnings of the individual, the length of unemployment and prospects for securing local work in the customary occupation of the individual and the distance of the available work from the residence of the individual.” ORS 657.190.

Moreover, “no work is deemed suitable” that meets any of the conditions set forth under ORS 657.195(1). One such condition is if “the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.” ORS 657.195(1)(b). “A rate of pay is substantially less favorable than the rate prevailing in the locality when the rate of pay is at least ten percent lower than the median rate of pay for similar work in the locality. The median rate of pay prevailing in the locality shall be determined by employees of the Employment Department adjudicating office using available research data compiled by the department.” OAR 471-030-0037(1) (January 11, 2018).

Here, analyzing ORS 657.195(1)(b), the record shows that the rate of pay for the offered work was substantially less favorable to claimant than that prevailing for similar work in his locality. This is because the rate of pay of the offered work, considering that the employer would pay a \$5,000 salary and claimant would typically work five hours per week over the course of 36 weeks, was about \$27.78 per hour. This is lower than 90% of the median rate of pay for art teachers in claimant’s labor market area, which was \$29.13 per hour. Thus, the offered work meets the condition set forth in ORS 657.195(1)(b), and therefore was not suitable work.

Accordingly, claimant did not fail without good cause to accept suitable work when offered because the offered work was not suitable. Claimant is not disqualified from receiving unemployment insurance benefits based on his failure to accept the employer’s offer of work.

DECISION: Order No. 26-UI-330697 is set aside, as outlined above.

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

DATE of Service: July 17, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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