

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0582

Modified
Disqualification Effective March 8, 2026

PROCEDURAL HISTORY: On April 28, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause, disqualifying claimant from receiving benefits effective March 1, 2026 (decision # L0017375876).¹ Claimant filed a timely request for hearing. On May 29, 2026, ALJ Micheletti conducted a hearing, and on June 2, 2026 issued Order No. 26-UI-331686, affirming decision # L0017375876. On June 8, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted written arguments on June 8, 2026 and June 23, 2026. EAB did not consider claimant's June 8, 2026 written argument because he did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). Claimant's June 23, 2026 argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's June 23, 2026 argument that were based on the hearing record.

FINDINGS OF FACT: (1) Vieux Vignes, LLC employed claimant as a sales associate and server at their wine bar and shop from July 2, 2025 through March 8, 2026. Claimant worked part-time for the employer, from 10 to 30 hours per week, and earned \$18 per hour plus tips.

(2) Claimant held a Master of Business Administration (MBA) degree. Prior to working for the employer, claimant had held a variety of jobs in areas such as sales management and business

¹ Decision # L0017375876 stated that claimant was denied benefits from March 1, 2026 to January 9, 2027. However, decision # L0017375876 should have stated that claimant was disqualified from receiving benefits beginning March 1, 2026 and until he earned four times his weekly benefit amount. See ORS 657.176.

development, earning anywhere between \$100,000 and \$250,000 per year in such roles. Claimant took the sales associate role with the employer to earn supplemental income. At some point after he began working for the employer, claimant accepted a full-time position with Columbia Distributing.

(3) In or around October 2025, claimant submitted a business-development proposal to the employer which, among other things, included provisions that would expand his role within the business and pay him five percent of all revenue that resulted from business he brought in. The employer rejected the proposal.

(4) In January 2026, claimant separated from his position with Columbia Distributing. Thereafter, claimant continued to work for the employer while seeking higher-paying work that better aligned with his credentials.

(5) On March 4, 2026, claimant sent the employer an email, notifying them that he would be resigning on March 18, 2026. Claimant decided to resign primarily because he felt that his role with the employer was not suitable, as it did not make full use of his credentials and did not pay him at a rate to which he was accustomed, and he wished to seek work which met those criteria. In the email, claimant also expressed that he felt as if the employer had not valued his contributions or experience, that he would be seeking certification as a master sommelier, and that he was also seeking work as a sommelier in a restaurant.

(6) On March 8, 2026, claimant sent the employer another email notifying them that he would not be able to work for his shifts scheduled on the following Tuesday and Wednesday, March 10 and 11, 2026. Claimant did not work for the employer thereafter.

CONCLUSIONS AND REASONS: Claimant 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).

Per OAR 471-030-0038(5)(b)(A), leaving work without good cause includes leaving suitable work to seek other work. In determining whether any work is suitable for an individual, the Director of the Employment Department shall consider, among other factors, 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.

Claimant quit work primarily because he felt that his role with the employer was not suitable, as it did not make full use of his credentials and did not pay him at a rate to which he was accustomed, and he wished to seek work which met those criteria. In other words, claimant quit, at least in part, to seek other

work. To the extent that claimant quit for this reason, he has not met his burden to show that he had good cause to quit.

An individual who quits work to seek other work has quit without good cause, so long as the work they left was suitable. ORS 657.190 provides a non-exhaustive list of factors to consider in determining whether the work was suitable. In his June 23, 2026 written argument, claimant asserted that the work he had been performing for the employer was not suitable for him, as he had historically worked in other roles that were more in line with his prior training and experience, and which paid significantly more than the wage the employer paid him. Claimant's June 23, 2026 Written Argument at 1.

This argument is not persuasive. Claimant has not shown, for instance, that working for the employer posed any particular risk to his health or safety, or that it violated his morals in any way. Further, claimant's many months of employment for the employer, without any indication that he lacked the skills or experience to do the work, is an appropriate factor to consider and weighs in favor of deeming the work to have been suitable. While it is true that claimant had earned significantly higher wages in prior roles, and likewise worked in roles requiring more advanced credentials, the fact remains that claimant worked for the employer for approximately eight months, apparently without incident, and the record does not show that claimant lacked the skills or experience to perform the job adequately at any point during his tenure. This can be contrasted with *Dooley v. Employment Div.*, 88 Or. App. 609, 746 P.2d 750, in which the suitability of that claimant's position with their former employer was in question because the record showed that she did lack the "training, expertise and disposition" to perform the role she moved into after several years in other positions with the same employer. *Dooley v. Employment Div.*, 88 Or. App. at 752. In sum, while it may well be that working for the employer was not ideal for claimant, given his prior employment history, claimant has not met his burden to show that the work was not suitable for him under ORS 657.190.

The record also suggests that claimant was motivated to quit, in part, because the employer had rejected his October 2025 proposal that would have given him, among other things, a share of the employer's profits. At hearing, the ALJ asked claimant what role the rejection of claimant's proposal played in his decision to quit. Audio Record at 22:11. Claimant responded that after the proposal was rejected, he "decided that [he] needed to spend time finding something where [he] was valued." Audio Record at 22:19. To the extent that claimant quit for this reason, this also did not constitute good cause. To be clear, claimant's apparent desire for a role with the employer that better aligned with his credentials and experience, and a share of the profits to match, is understandable. Nevertheless, a reasonable and prudent person under such circumstances would not conclude that the employer's refusal to accept the proposal meant that they had no reasonable alternative but to quit. As such, this did not constitute good cause for quitting.

Finally, the order under review concluded that claimant quit on March 4, 2026, and therefore was disqualified from receiving benefits effective March 1, 2026. Order No. 26-UI-331686 at 1–2. However, the record shows that claimant gave notice on March 4, 2026 and had at that point intended to quit on March 18, 2026, but that on March 8, 2026, claimant notified the employer that he would not be working his shifts scheduled for that week, and that claimant did not return to work for the employer after that date. As such, March 8, 2026 is the proper date of the work separation, and the date of claimant's disqualification from benefits is modified accordingly.

For the above reasons, claimant quit work without good cause and is disqualified from receiving benefits effective March 8, 2026.

DECISION: Order No. 26-UI-331686 is modified, as outlined above.

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

DATE of Service: July 23, 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 باتباع 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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