

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0609

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 11, 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 effective January 11, 2026 (decision # L0017441628).¹ Claimant filed a timely request for hearing. On June 3, 2026, ALJ Enyinnaya conducted a hearing, and on June 10, 2026 issued Order No. 26-UI-332433, affirming decision # L0017441628. On June 21, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Time to Trucking, LLC employed claimant as a log truck driver from September 2025 through January 11, 2026.

(2) In the afternoon of January 11, 2026, the employer called claimant, requesting that he drive one of their trucks from Oregon to Washington that evening and work there for the week. The truck at issue was not insured at the time, but the employer sent claimant insurance information about another vehicle and told claimant that the vehicle he would be driving would be immediately registered and insured if he agreed to the trip. Claimant did not agree to the assignment primarily because he did not want to spend the week in Washington away from his home, and because with the trip starting late in the day, he was concerned about potentially violating legal restrictions on working hours for truck drivers. Shortly after the call ended, claimant called a potential employer about working for them.

(3) Later on January 11, 2026, claimant again spoke with the employer by phone and declined the Washington assignment. Both parties understood this to have ended the employment relationship. Claimant did not tell the employer why he was declining the assignment or ask if alternate work was available during the week. Claimant had advanced in the hiring process with the other potential

¹ Decision # L0017441628 stated that claimant was denied benefits from January 11, 2026 to April 18, 2026. However, decision # L0017441628 should have stated that claimant was disqualified from receiving benefits beginning Sunday, January 11, 2026, and until he earned four times his weekly benefit amount. See ORS 657.176.

employer, between his two calls with the employer, but had not received a definite offer of work at that point. Claimant did not perform work for the employer after January 11, 2026. However, on January 12, 2026, the employer sent claimant insurance information about one of the employer's vehicles, and in a telephone call later that day claimant reiterated that he would not accept the Washington assignment and told the employer he had taken another job.

(4) On January 12, 2026, claimant submitted to pre-employment testing for the potential employer, leading to an offer of employment the next day. On January 14, 2026, claimant accepted their offer of employment, and began working for them on January 15, 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 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).

A claimant who leaves work to accept an offer of other work "has left work with good cause only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay [either] an amount equal to or in excess of the weekly benefit amount; or an amount greater than the work left." OAR 471-030-0038(5)(a). The Department does not consider a job offer to be definite "if [it] is contingent upon . . . [such things as] passing a drug test, background check, credit check, and/or an employer receiving a contract." Oregon Employment Department, UI Benefit Manual §442 (Rev. 04/01/10).

Claimant quit work because the employer requested that he drive one of their vehicles to Washington and work there for a week. Claimant initially testified that he declined the assignment, and in so doing quit working for the employer, because he believed the vehicle he would be driving was uninsured.² Audio Record at 15:19. However, the employer testified that he told claimant during the second January 11, 2026 telephone conversation that he would immediately register and insure the vehicle prior to claimant driving it if he accepted the assignment, and claimant did not thereafter rebut that testimony.³ Instead, claimant then testified that his reason for declining the assignment was not wanting to spend the week in Washington, and concerns about violating laws regarding maximum driving hours if he began driving late that evening. Audio Record at 41:14. Claimant did not explain at hearing what hardships, if

² For reasons not fully explained in the record, both parties understood claimant's refusal to accept this assignment as constituting his resignation from work with immediate effect. The telephone conversation the following day in which claimant told the employer that he had taken another job served as confirmation that claimant had intended to resign the previous day. As such, the record shows that the work separation was a voluntary leaving that occurred on January 11, 2026. See OAR 471-030-0038(1)(a) (The date a claimant is separated from work is the date the employer or claimant ends the employer-employee relationship.)

³ Claimant testified that he did not remember the employer's response to his concern about whether the vehicle would be properly insured. Audio Record at 29:40.

any, working in Washington for the week would have presented, and therefore did not establish that it posed a grave situation. Claimant did explain why he believed it would potentially violate the law regarding maximum driving hours for him to embark on the trip to Washington that evening, and if the employer's assignment was likely to cause claimant to violate the law regarding maximum driving hours, he may have faced a grave situation in that regard.

However, claimant had a reasonable alternative to quitting work when he did. Claimant testified that he did not explain to the employer why he was declining the assignment and quitting work. Audio Record at 42:07. It would have been reasonable for claimant to give his reasons for declining it and determine whether the employer was willing to address them, such as by delaying the trip to the following morning to address his concerns about driving hours. It also would have been reasonable for claimant to ask the employer if alternate work was available during the week that would allow him to return to his home each night, or if continuing work would be available to him after the week of January 11, 2026 if he declined the Washington assignment. Accordingly, even if claimant had faced a grave situation, he had a reasonable alternative to quitting, and therefore quit without good cause.

To the extent claimant quit work to accept an offer of other work, the record shows that claimant did not have a definite offer of other work as of the time of the second January 11, 2026 telephone conversation with the employer in which he quit work. While claimant may have had a conditional offer at that time, it was not "definite" within the meaning of the rule because it was contingent on pre-employment testing that he did not undergo until January 12, 2026. A "definite" offer was therefore not made until January 13, 2026, after claimant quit working for the employer. As such, to the extent claimant quit work to accept an offer of other work, he quit without good cause pursuant to OAR 471-030-0038(5)(a).

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective January 11, 2026.

DECISION: Order No. 26-UI-332433 is affirmed.

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

DATE of Service: July 28, 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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