

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0616

Reversed & Remanded

PROCEDURAL HISTORY: On May 18, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective March 8, 2026 through March 6, 2027 (decision # L0017566866). Claimant filed a timely request for hearing. On June 4, 2026, ALJ Adamson conducted a hearing, and on June 5, 2026 issued Order No. 26-UI-332150, modifying decision # L0017566866 by concluding claimant was discharged, but not for misconduct, within 15 days of a planned voluntary quit that would not have been for good cause, and therefore was disqualified from receiving benefits effective March 15, 2026. On June 24, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant 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). The argument also had 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 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).

The parties may offer new information, such as the new information in claimant's written argument, into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

FINDINGS OF FACT: (1) Robert Axle Project, LLC employed claimant in a customer service role from April 24, 2024 through March 13, 2026.

(2) Claimant worked 40 hours per week for the employer and was paid \$28 per hour.

(3) On or around March 9, 2026, claimant received a verbal offer of work from another employer. The offer was for a full-time, salaried position, to pay \$65,000 per year, and was intended to start on March 26, 2026. The offer did not say that the position would be temporary in nature, and claimant understood it to be a permanent position.

(4) On March 11, 2026, claimant accepted the offer, and on the same day notified the employer that he was resigning, effective March 20, 2026. Claimant set his final day as March 20, 2026 to leave himself time to pack his house in preparation for a move.

(5) On March 13, 2026, claimant received a written offer letter from the new employer. The letter showed that the offer was contingent upon claimant's successful completion of a background check, which had begun earlier that same week. Also on March 13, 2026, the employer notified claimant that his last day of work would be that day because they did not need him to work through March 20, 2026. Claimant completed his work on March 13, 2026, and did not work for the employer thereafter.

CONCLUSIONS AND REASONS: Order No. 26-UI-332150 is set aside and this matter remanded for further development of the record.

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 . . . background check . . ." Oregon Employment Department, Unemployment Insurance Policy Guide at 109 (January 2026).

On March 11, 2026, Claimant notified the employer that he would be resigning on March 20, 2026 because he had accepted an offer of work from another employer. On March 13, 2026, the employer notified claimant that his last day of work would be that day, thereby discharging him a week before he planned to resign. The record does not show that the employer discharged claimant for any reason other than simply not needing him to work through the following week, and claimant therefore was not discharged for misconduct.¹

¹ See OAR 471-030-0038(3)(a).

However, because claimant was discharged within 15 days of when he intended to quit, it is necessary to determine whether the planned voluntary quit would have been for good cause.² The order under review concluded that claimant's planned quit would not have been for good cause, explaining that the offer of work that claimant received was not definite because "claimant testified that he received a verbal offer prior to [March 11, 2026] which was contingent on passing a background check [and claimant] notified employer that he was quitting on that same date," while "[t]he background check was not finalized, and [the new employer] did not give claimant a formal, definite offer of work until March 13, 2026." Order No. 26-UI-332150 at 4. The record as developed does not support this conclusion.

First, the above passage misstates claimant's testimony. Claimant testified at hearing that he had received a verbal offer from the new employer, which he accepted on March 11, 2026; that he then received a written offer letter on March 13, 2026 stating that the offer was contingent on claimant passing a background check; that the offer letter itself was dated March 13, 2026; and that the background check was "being processed at the beginning of that week." Audio Record at 14:10 to 15:37. Claimant did not specify the date on which he received the verbal offer, and it is unclear from claimant's testimony whether he actually meant that the offer letter was *dated* March 13, 2026, or merely that he had received the letter that day. On remand, the record must be developed to determine each of these dates.

Moreover, the order under review incorrectly concluded that the offer was not definite because the background check had not been finalized until March 13, 2026, even assuming that was the date on which the background check *was* completed. The relevant period of time to examine in determining whether claimant had good cause for quitting is when claimant actually quit—or, here, March 20, 2026, when claimant had actually planned to quit. *See Early v. Employment Dep't.*, 247 Or. App. 321, 360 P.3d 725 (2015) (it is not significant that claimant gave 30 days' notice to quit her job; events occurred after she gave notice that reinforced her decision to quit, and the "appropriate time to evaluate whether claimant had good cause was not when claimant provided her notice, but when she actually quit the job"). Thus, the record on remand should be developed to show whether, as of the date that claimant would have quit if not for the intervening discharge, the offer of other work was free from contingencies and therefore definite.

Finally, while the order under review did not directly address the other factors necessary to determine good cause under OAR 471-030-0038(5)(a), the record as developed is sufficient to determine that claimant satisfied those other factors. While claimant would have started the new position a few business days after the date he intended to quit, it was reasonable under the circumstances for claimant to take that time to prepare for his move, and therefore the new job was to begin within the shortest length of time reasonable under the circumstances. Additionally, the record shows that claimant reasonably believed that the new job would continue indefinitely, and it also shows that the new job paid

² If a claimant notified their employer they would quit work on a specific date, and the quit would have been without good cause, but the employer discharged the claimant, not for misconduct, no more than 15 days before the date of the planned quit, then the separation from work is adjudicated as if the discharge had not occurred and the planned quit had occurred. ORS 657.176(7). However, the claimant is eligible for benefits for the week in which the actual discharge occurred through the week before the week of the planned quit. ORS 657.176(7).

more than the position that claimant left.³ As such, unless new information makes continued analysis of those factors necessary, the analysis on remand may be limited to the determination of whether the job offer was definite as of the date on which claimant would have quit work.

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant's planned voluntary quit would have been for good cause, Order No. 26-UI-332150 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 26-UI-332150 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: August 3, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-332150 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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³ The new job paid \$65,000 per year. The employer paid claimant \$28 per hour, which, at 40 hours per week, 52 weeks per year, equates to \$58,240 per year. As such, the new work paid more than the work claimant was leaving.



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

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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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