

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0618

Reversed
No Disqualification

PROCEDURAL HISTORY: On May 15, 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 from March 22, 2026 to March 20, 2027 (decision # L0017541823). Claimant filed a timely request for hearing. On June 15, 2026, ALJ Murdock conducted a hearing, and on June 17, 2026 issued Order No. 26-UI-333071, modifying decision # L0017541823 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective March 15, 2026. On June 25, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Valet Waste, LLC employed claimant from January 10, 2023 through March 19, 2026.

(2) Claimant and her husband worked as a team gathering and disposing of trash from apartment complexes. The employer required them to provide their own truck for this purpose, and claimant and her husband jointly paid approximately \$1,000 per month to finance the truck. As of early March 2026, claimant and her husband worked Sunday through Thursday, 7:00 p.m. to 10:00 p.m., and were each paid \$23 per hour.

(3) In early 2026, the employer grew dissatisfied with the pace of claimant's and her husband's work. The employer told them that if their pace did not improve, they might be removed from the regular work schedule and only be offered work filling in for absent employees, or discharged.

(4) Claimant and her husband requested to be off work from March 8 through 16, 2026 to take a vacation, and the employer approved the time off. Anticipating that claimant and her husband might ask to extend their vacation at the last minute, the employer assigned the rest of their scheduled workdays that week to other employees. As claimant and her husband were preparing to report for work on March 17, 2026, claimant discovered that they were not scheduled to work the rest of the week. When they

inquired about this, the employer initially replied that it was because someone other than the usual scheduler had done the scheduling for that week, and later sent a text message stating that they had been permanently removed from the regular schedule due to continued dissatisfaction with the pace of their work, and that they would thereafter only be offered work filling in for absent employees.

(5) After learning that they would only be offered fill-in work, claimant and her husband believed they would likely not earn enough working for the employer to continue to make the truck payments. On March 19, 2026,¹ claimant's husband texted the employer, "Due to being removed from the schedule and not being able to work, we have sold our truck." Transcript at 12. The employer contacted claimant's husband to clarify that they had not been discharged and reiterate that they had been removed from the regular work schedule to become fill-ins "due to performance issues." Transcript at 13. The employer asked claimant's husband if they were resigning and the husband replied that they "assumed that they were being terminated." Transcript at 13.

(6) Understanding that claimant and her husband could not perform their work without a truck, the employer did not attempt to schedule them for any additional shifts, and the employment relationship ended on March 19, 2026.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work with good cause.

Nature of the Work Separation. A work separation occurs when a claimant or employer ends the employer-employee relationship. If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b).

The employer's removal of claimant and her husband from the regular work schedule was the first in a series of events that led the employment relationship to end. The employer's witness testified that after claimant discovered her removal from the regular schedule on March 17, 2026, there "was not explicit communication saying they would be [fill-ins]," but that she and her husband had previously been warned of that possibility. Transcript at 15. Claimant testified that they received a text message from that witness, on or after March 18, 2026, explaining that while they had been removed from the regular schedule they would "be used as backup when somebody called in[.]" Transcript at 9. Claimant did not assert at hearing that she or her husband was ever told that they had been discharged.

Therefore, the record shows that the employer was willing to allow claimant to work on a fill-in basis after March 19, 2026, even if she had not been scheduled for any specific future shift at that point. In contrast, notifying the employer that they had sold their truck conveyed that claimant and her husband were not willing to perform any additional work for the employer after that date, as they could not have performed their work without the truck. Accordingly, the work separation was a voluntary leaving that occurred on March 19, 2026.

¹ Claimant testified that she believed the truck sale actually occurred on either March 20 or 21, 2026. Transcript at 19.

Voluntary Leaving. 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 due to a reduction in hours “has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received.” OAR 471-030-0038(5)(e).

Claimant quit working for the employer because she was removed from the regular work schedule and would thereafter only be offered shifts filling in for absent employees. When most recently on the regular schedule, claimant worked five three-hour shifts per week. The record suggests that both parties anticipated claimant being offered far fewer hours of work as a fill-in, though it was likely impossible to predict the precise number of hours. As such, claimant left work due to a reduction in hours, and OAR 471-030-0038(5)(e) applies. The order under review concluded that claimant did not leave work for a reason of such gravity that she had no reasonable alternative but to quit on March 19, 2026, as the employer had not yet made work schedules for the weeks after March 21, 2026. Order No. 26-UI-333456 at 3-4. The order erred in failing to assess whether good cause existed under OAR 471-030-0038(5)(e).

Claimant was paid \$23 per hour and was required to provide her own truck to perform the work. Claimant was jointly responsible with her husband for paying approximately \$1,000 per month to finance the truck. The employer would therefore have had to offer claimant at least 22 hours of work each month in order for her remuneration to cover half of the truck payment, without regard to other costs of working, such as gasoline or insuring the truck for work use.² In considering that claimant’s typical shifts had lasted only three hours per day; the inherent unpredictability of how frequently other employees would be absent in a given month; and the employer’s testimony that, even for regularly scheduled employees, “[T]here is no guarantee for hours or even location. . . It is a very part-time job,” the record fails to show that claimant was likely to be offered at least 22 hours of work each month. Transcript at 21. As such, claimant has shown that, more likely than not, the cost of continuing to work for the employer would have exceeded her remuneration. Accordingly, under OAR 471-030-0038(5)(e), claimant quit work with good cause due to the reduction in hours.

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-333071 is set aside, as outlined above.

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

² \$500 / \$23 per hour = 21.7 hours.

DATE of Service: August 6, 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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