

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0623

Affirmed
Disqualification

PROCEDURAL HISTORY: On June 8, 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 April 19, 2026 to April 17, 2027 (decision # L0017914304). Claimant filed a timely request for hearing. On June 23, 2026, ALJ Griffith conducted a hearing at which the employer failed to appear, and on June 24, 2026 issued Order No. 26-UI-333456, modifying decision # L0017914304 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective March 15, 2026.¹ On June 26, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: Claimant's application for review contained information that was not part of the hearing record and did not show that factors or circumstances beyond his 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.

FINDINGS OF FACT: (1) Forbes Rehab Services, Inc. employed claimant as a software engineer from August 2025 through March 16, 2026. The employer produced tablets for use by people who are nonverbal.

(2) Claimant's primary focus during his tenure was to stabilize, then rebuild, the tablets' existing software. As of March 12, 2026, claimant was "the only technical person at the company," and believed that he had been successful in moving the project forward. Transcript at 9–10.

¹ Although Order No. 26-UI-333456 stated it affirmed decision # L0017914304, it modified that decision by changing the effective date of the disqualification from April 19, 2026 to March 15, 2026. Order No. 26-UI-333456 at 3. The disqualification is effective until claimant earns four times his weekly benefit amount. See ORS 657.176.

(3) On March 12, 2026, the employer hired a chief technology officer (CTO), who began work the following day. Claimant had reported to the employer's chief executive officer (CEO) or a vice president to that point, but beginning March 13, 2026, would report to the CTO. Claimant asked the CEO and vice president if the hiring of the CTO meant that they were "trying to get [claimant] to go away," and they replied that they were not. Transcript at 20.

(4) On March 13, 2026, the CTO told claimant about his plans for the tablet software, specifically that he intended to use artificial intelligence (AI) to finish the rebuild. Claimant believed that this use of AI was a "dangerous act" and would cause the software to fail. Transcript at 10.

(5) During the weekend of March 14-15, 2026, claimant considered the possible implications of these recent developments, including that the CTO's use of AI to finish the software rebuild could lead to the elimination of claimant's position, and that claimant's association with a failed software project could impair his employment prospects with other employers.

(6) On March 16, 2026, claimant submitted notice of his resignation with immediate effect. In the resignation, claimant offered to continue working if the employer agreed to rescind the recent changes and allow him to continue working on the software rebuild as he had originally planned it. The employer accepted the resignation, and claimant did not work for the employer thereafter.

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).

Claimant quit work due to the employer hiring a CTO who intended to use AI to finish the software rebuild project claimant had been working on. Claimant asserted at hearing that the CTO's plan was "dangerous" to the employer's management and "anybody who uses the application from a security standpoint." Transcript at 18. The CTO and other members of management disagreed with claimant's concerns and prediction of how the software would ultimately function. However, even if the employer's decisions in this regard might eventually have proven harmful to the employer or their customers, claimant did not demonstrate that this possibility posed a grave situation to him personally at the time he quit work.²

² Claimant testified that, to his knowledge, as of the June 23, 2026 hearing date the employer had not released an updated version of the software, which to claimant validated his prediction that the employer's plan would fail. *See, e.g.*, Transcript at 21. However, the good cause analysis focuses on the circumstances known to claimant at the time he stopped working for the employer, and it is not apparent from the record that claimant had reason to know *why* the employer had not released an updated version of the software approximately three months after he stopped working for them. Therefore, this information is of little relevance to the analysis.

Claimant testified that it “was ethically not right” for him “to put [his] name on the project [they] were doing in that dangerous way.” Transcript at 17. When asked at hearing what would be unethical about doing so, claimant replied that it was a “dangerous idea. . . [t]o have AI build the codebase and stand it up in infrastructure[.]” Transcript at 18. Claimant asserted that it would have been “career suicide” to “put [his] name on things like that,” and that he therefore had no choice but to leave work at that time. Transcript at 16. The record does not support this assertion.

Claimant decided to quit work after the CTO’s first day of work, and presumably before any significant work on the new rebuild plan began. If, as claimant speculated, the new direction of the project would cause it to fail, it stands to reason that the employer may have discovered this and reverted to claimant’s original plans for the software before the updated version was released to customers or caused damage to the business. Moreover, it is not apparent from the record why a prospective employer would hold against claimant a plan that was solely the employer’s, rather than his own, and one which was implemented over claimant’s strong objections. As such, claimant failed to show that, as of the time he quit work, any harm from the employer’s plan was more than speculative, or that the plan would directly harm him, rather than the employer. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not have left work when claimant did. Accordingly, claimant did not leave work due to a situation of such gravity that he had no reasonable alternative but to leave work, and quit without good cause.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective March 15, 2026.

DECISION: Order No. 26-UI-333456 is affirmed.

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

DATE of Service: August 7, 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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