

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

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0630

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 14, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits from March 15, 2026 to March 13, 2027 (decision # L0017514568). Claimant filed a timely request for hearing. On June 11, 2026, ALJ Krueger conducted a hearing, and on June 12, 2026 issued Order No. 26-UI-332712, modifying decision # L0017514568 by concluding that claimant quit work without good cause and was disqualified from receiving benefits from February 22, 2026 until requalified. On June 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that she provided a copy of her June 30, 2026 argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). Claimant's June 30, 2026 and July 27, 2026 arguments each contained information that was not part of the hearing record and did not show that factors or circumstances beyond her reasonable control prevented her 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 July 27, 2026 argument that were based on the hearing record.

FINDINGS OF FACT: (1) Starlight Ventures, Inc. employed claimant as a deli clerk at their store from September 9, 2025 through February 24, 2026.

(2) On January 1, 2026, claimant was injured by a customer's dog while working. Claimant did not work on January 2 or 3, 2026, and sought treatment for the injury on her own.

(3) On January 4, 2026, claimant returned to work. Claimant had received long-term treatment for schizophrenia, and the condition was largely stable during her employment. However, claimant experienced a manic episode while at work on January 4, 2026, which she attributed to the emotional trauma of having been injured by the dog. Claimant's behavior made other employees and customers "uncomfortable," and she was asked to leave work prior to the end of her shift. Transcript at 36. Claimant told the employer that she had run out of the medication she took for schizophrenia, and at the

employer's suggestion agreed to take the next week off, unpaid, to receive medical treatment. Claimant told the employer on January 11, 2026 that she was ready to return to work, but the employer declined to schedule claimant for work in the following two weeks to give her additional time to focus on her health.

(4) During claimant's absence, the employer demoted the deli manager to a non-managerial position and hired a new deli manager. These changes, and a seasonal slowdown in business, caused the employer to reduce work hours and eliminate positions, including reducing claimant's work hours from 16 to 8 per week. Claimant's reduction in hours was effective January 26, 2026, the day she returned to work. The employer had previously reduced the work hours of most employees, including claimant, in October 2025.

(5) Claimant was unhappy about the recent reduction in hours and felt that she could not "make ends meet" working only 8 hours per week. Transcript at 29. Claimant's only cost in continuing to work for the employer was her commute, which did not exceed her pay on a daily or weekly basis.

(6) By early February 2026, claimant had received two W-2 forms from the employer for tax year 2025, listing wage totals that differed by approximately \$100. Claimant sought clarification from the employer as to which was accurate, and was told that a new W-2 form would be issued. As of February 24, 2026, claimant had not received a new W-2 form or further clarification about the forms she received.

(7) Claimant was unhappy with the work environment following her January 26, 2026 return to work. Claimant felt that two deli employees often bickered, other employees gossiped or made negative comments about the store or its owners, and the new deli manager had a "very friendly, very close" relationship with another deli employee, which made claimant feel "really excluded" and like "a third wheel." Transcript at 24-25. Additionally, the deli manager repeatedly requested that claimant work at a faster pace, and she set time limits within which claimant was to complete certain tasks.

(8) On February 24, 2026, claimant was working when the deli manager told HER to "hurry up" and "clapped at" her. Transcript at 6. Claimant felt that this was "disrespectful" and "embarrassing," and made her feel "unwanted." Transcript at 26. In response, claimant told the deli manager that she felt that the deli manager thought she was "not a good fit" and "too slow." Transcript at 26. The deli manager suggested that more training might improve claimant's performance, and claimant replied that she had worked there for several months and that the previous deli manager had been satisfied with her work. Claimant then said that she believed that the deli manager felt she was "not. . . good enough," and the deli manager responded with a "questionable like look." Transcript at 26-27. Claimant considered this incident the "final straw" which, in addition to the problem with the W-2 forms, her recent dissatisfaction with the work environment, the reduction in hours, and the employer's handling of the dog injury and her manic episode, caused claimant to tell the deli manager that she was quitting work with immediate effect. Claimant left the store and did not work for the employer thereafter.

(9) Prior to claimant being told to "hurry up" and being "clapped at," claimant had not discussed any of these points of dissatisfaction with the deli manager, the store manager, the human resources

department, or anyone else in authority.¹ Claimant had also not requested any workplace accommodation from the employer.

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 Depart.*, 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 Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had schizophrenia, a permanent or long-term “physical or mental impairment” as defined at 29 CFR §1630.2(h). A claimant with an impairment who quits work must show that a reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would not have continued to work for their employer for an additional period of time.

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 work due to several points of dissatisfaction that arose in January and February 2026. After claimant was injured by a dog and shortly thereafter had a manic episode at work, she agreed to take time off to focus on her health. Claimant told the employer on January 11, 2026 that she was ready to return to work, but she was not scheduled for another shift until January 26, 2026. Several changes occurred during claimant’s absence, including the hiring of a new deli manager and a reduction in claimant’s work hours from 16 to 8 per week. Claimant felt annoyed or excluded by the relationships that developed or realigned among deli staff following some personnel changes. Claimant also became frustrated regarding an issue with her W-2 form for the prior tax year. Further, the new deli manager repeatedly expressed dissatisfaction with the pace of claimant’s work, including by telling claimant to “hurry up” and “clapp[ing] at” her on February 24, 2026.

To the extent claimant quit work due to the reduction in hours, OAR 471-030-0038(5)(e) applies. Claimant testified that following the reduction in hours she looked for work with other employers, and that continuing to work for the employer did not interfere with her search for other work. Transcript at 19. Claimant testified that her only cost in continuing to work for the employer was her commute, and that the cost did not exceed her remuneration. Transcript at 20. Therefore, under OAR 471-030-0038(5)(e), claimant did not have good cause to quit work based on the reduction in hours.

As to claimant’s other points of dissatisfaction, they would not cause a reasonable and prudent person with the characteristics and qualities of an individual with an impairment such as claimant’s to quit work. First, such a person would not quit work in late February due to the employer providing a potentially inaccurate W-2 form, in part because the mid-April deadline for filing income tax returns

¹ Claimant suggested at hearing that she requested the replacement W-2 several times from people other than the store manager prior to quitting work, while the store manager testified that he was not made aware of the issue until “well after” claimant separated from employment. Transcript at 44, 41.

was still several weeks away and the employer had indicated that they were working to resolve the issue. Therefore, at the time she quit work, claimant faced little impact from this situation, aside from what had been, to that point, an insignificant delay in preparing her tax return.

Next, the record shows that the employer's decision to not schedule claimant to work from January 11 through 25, 2026 was made out of concern for claimant's health following her injury and subsequent manic episode that worried customers and other employees. The employer denied that the leave was disciplinary in nature, and maintained that it was intended "to help her" by giving her time to focus on her health in response to her disclosure that she had run out of her schizophrenia medication preceding the manic episode. Transcript at 36. The employer also explained that the decision to reduce claimant's work hours upon her return was made solely based on seasonal business conditions and the recent change in deli management, and that other employees throughout the store were also affected. *See* Transcript at 37. On this record, claimant has not shown by a preponderance of the evidence that the employer was engaging in ongoing discriminatory treatment toward her due to her mental health condition.

Although claimant described unhappiness with social aspects of the work environment following her return from leave, including observing bickering and negativity amongst her coworkers and feeling "really excluded" and like "a third wheel" due to the closeness that developed between the new deli manager and another employee, her testimony did not suggest that this impacted her ability to perform work tasks or that it significantly impacted her mental health. Similarly, while the new deli manager repeatedly requested that claimant work at a faster pace during claimant's final month of employment, the record does not show that, prior to February 24, 2026, this was done in a rude or unprofessional manner such that it significantly impacted claimant's work or mental health.

The deli manager did act rudely toward claimant on February 24, 2026 in telling her to "hurry up" and "clapp[ing] at" her. However, the deli manager's reaction of apparent surprise and offering additional training when claimant complained about it suggests that the deli manager may have mistakenly believed that the issue had been a lack of motivation on claimant's part, and did not anticipate claimant being offended by her actions. Under these circumstances, a reasonable and prudent person with the characteristics and qualities of an individual with an impairment such as claimant's would not quit work for this reason unless the deli manager's rudeness or unjustified criticism of the pace of her work persisted after claimant made her feelings known. Therefore, claimant has not shown that she quit work due to a grave situation. Furthermore, even if claimant had faced a grave situation based on any of these circumstances, she had the reasonable alternative to quitting work when she did of bringing her concerns to the human resources department or the store manager. Accordingly, claimant quit work without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective February 22, 2026.

DECISION: Order No. 26-UI-332712 is affirmed.

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

DATE of Service: August 12, 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، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية محكمة الاستئناف بأوريغون وذلك 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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