

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0651

Affirmed
Disqualification

PROCEDURAL HISTORY: On June 3, 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 effective April 5, 2026 (decision # L0017827193). Claimant filed a timely request for hearing. On June 29, 2026, ALJ Wahl conducted a hearing, and on June 30, 2026 issued Order No. 26-UI-333960, affirming decision # L0017827193. On July 13, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARUGMENT: EAB considered claimant's argument in reaching this decision.

FINDINGS OF FACT: (1) US Bank National Association employed claimant as a customer relationship consultant from July 22, 2024 through April 9, 2026.

(2) In August or September 2025, claimant told his manager that he was considering moving to another state because his wife's job was ending. Claimant thought that the manager would keep this information confidential. Approximately a month later, a coworker mentioned to claimant the potential move to another state. Claimant confronted the manager about disclosing the information and the manager apologized.

(3) Following that incident, claimant believed that he was treated differently from other employees in scheduling matters. Claimant was once denied permission to leave work early because he had not made the request at least a week in advance, and thought that other employees had received permission to leave early but did not know whether they had made the requests in advance. When claimant asked to change his scheduled day off in a specific week, he was told that he would have to find another employee willing to trade shifts with him in order for the change to be approved. Claimant asked management to give him as many work hours as possible, including overtime and weekend work, but did not like that this resulted in last-minute changes to his schedule.

(4) In March 2026, claimant applied for a promotion but did not receive it. On March 20 and 24, 2026, claimant emailed his manager asking for feedback regarding why he did not get the promotion and

requesting that he outline specific steps claimant could take to earn the promotion. In the latter email, claimant also complained about the incident where the manager had shared information about claimant potentially moving out of state, and about perceived disparate treatment regarding scheduling.

(5) On March 26, 2026, claimant met with his manager and a district manager and made the same requests and complaints outlined in his emails. The manager and district manager provided feedback about claimant's performance but did not give details regarding why he did not receive the promotion or how he could ensure that he received it in the future. Claimant was dissatisfied with their failure to provide specific criteria which, if met, would result in him earning the promotion, and a timeline within which this would occur. Later that day, claimant gave written notice of his intent to resign, effective April 9, 2026, citing the employer's failure to provide this information.

(6) On April 9, 2026, claimant quit working for the employer as planned.

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 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 primarily because the employer did not provide a clear pathway and timeline for obtaining the promotion he had recently been denied. Claimant also cited an incident that had occurred approximately six months earlier, in which his manager shared information about a potential move that claimant believed was confidential. Additionally, claimant was dissatisfied with some of the employer's scheduling practices and believed they resulted in disparate treatment.

Regarding claimant's primary reason for quitting work, he learned in March 2026 that he had not received a promotion he had applied for, and on March 20 and 24, 2026, sent emails requesting from his manager an explanation and detailed pathway to earning the promotion. In response, the manager and district manager met with claimant on March 26, 2026 and listened to his concerns. While they provided some feedback about his performance, they were vague about the reasons claimant was not granted the promotion, and did not provide measurable goals which, when achieved, would entitle him to the promotion. Claimant therefore felt that he lacked a viable path to advancement with the employer. While claimant was understandably frustrated by the situation, he still had the ability to earn the same wages for performing the same work that he had previously. Moreover, claimant could have been considered again for the promotion in the future, even though the employer declined to provide specifics about how that decision would be made. Under these circumstances, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work for this reason, as they would be better off continuing to earn their usual wage than earning nothing.¹

¹ See *Oregon Public Utility Commission v. Employment Dep't.*, 267 Or App 68, 340 P3d 136 (2014) (for a claimant to have good cause to voluntarily leave work, the claimant must derive some benefit for leaving work).

As for claimant's secondary reasons for quitting work, the incident in which claimant's manager shared information with a coworker about claimant's potential move to another state occurred approximately six months before he quit work, the manager apologized shortly after it occurred, and the record does not suggest that the manager's conduct was repeated during the six months that followed. As such, a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work for this reason.

Claimant's complaints about scheduling involved last-minute changes to his schedule, at least one last-minute request to leave work early that was denied because it was not made at least a week in advance, and a requirement to arrange a shift trade with another employee on his own if he desired to change his scheduled day off in a particular week. Claimant testified that he requested that management schedule him for as many work hours as possible, and that he liked working overtime and on Saturdays, which likely explains the last-minute additions to his schedule when other employees became unavailable. Audio Record at 14:47, 29:32; *See also* Audio Record at 19:10 (claimant testifying that he told the employer, "Okay, you want to change [the] schedule, no problem. Yeah, I will do it. You want extra time? No problem, I will work. I come [in] if [they] call me early or something, I will come.") If claimant was unhappy with that arrangement, it stands to reason that he may have been able to resolve the issue by telling management that he did not want to work any extra or unpredictable hours.

As for the employer requiring advanced notice for partial days off or securing the consent of another employee to trade shifts, these policies or practices were not unreasonable on their face. However, claimant contended that they were not applied equally among staff and that he felt targeted for enforcement after he confronted his manager about disclosing what claimant thought was confidential information. When asked at hearing for examples of other employees being treated differently in this regard, however, claimant conceded that he did not know whether any other employees given permission to leave early had made their requests in advance, and that he could not prove disparate treatment. Audio Record at 29:05. On this record, claimant has not shown by a preponderance of the evidence that the employer had engaged in impermissible discrimination in their scheduling practices, and a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would not leave work based on claimant's perception of possible disparate treatment. Accordingly, none of claimant's reasons for quitting work, either individually or collectively, were of such gravity that he had no reasonable alternative but to leave work. Claimant therefore quit work without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective April 5, 2026.

DECISION: Order No. 26-UI-333960 is affirmed.

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

DATE of Service: August 21, 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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