

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0661

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 26, 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 unemployment insurance benefits effective March 29, 2026 (decision # L0017755478).¹ Claimant filed a timely request for hearing. On June 24, 2026, ALJ Frank conducted a hearing, and on July 2, 2026 issued Order No. 26-UI-334159, affirming decision # L0017755478. On July 20, 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 argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her 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).

FINDINGS OF FACT: (1) Salem Health employed claimant as a registrar from August 2025 until April 3, 2026.

(2) During her employment, claimant worked a part-time schedule on weekend days only. On certain weekdays, claimant attended nursing school. Claimant was not required by law to attend nursing school.

(3) In February 2026, the employer announced a restructuring in which employees on the registration team, including claimant, would be subject to having their work schedules changed. Claimant and the

¹ Decision # L0017755478 stated that claimant was denied benefits from March 29, 2026 to April 3, 2027. However, decision # L0017755478 should have stated that claimant was disqualified from receiving benefits beginning March 29, 2026 and until she earned four times her weekly benefit amount. *See* ORS 657.176.

other employees were told to bid on their preferred schedules, and based on those preferences and other criteria, the employer would assign them new schedules that would be effective April 5, 2026.

(4) On February 20, 2026, the employer announced the new schedules. Claimant's new work schedule would require her to work full-time, including on Mondays. Claimant's nursing school schedule required her to be on-campus for an in-person laboratory class every other Monday, meeting three times in March 2026.

(5) On February 21, 2026, claimant emailed her managers advising that her Monday shift under the new schedule would conflict with her laboratory class. A manager replied that the new schedule would not pose a conflict with the Monday laboratory classes scheduled for March because the new schedule would not go into effect until April 5, 2026. The manager suggested that for any conflicts thereafter, claimant consider trading shifts with a colleague to free up her Mondays or requesting a change to a part-time work schedule. Claimant requested a change to a part-time work schedule and raised the prospect of taking over the part-time shift of a departing work colleague. After additional email and telephone communications between claimant and her managers, on March 14, 2026, the managers confirmed that they would not be able to give claimant a part-time schedule to begin on April 5, 2026.

(6) Claimant determined that if she continued working for the employer, there was a risk that after April 5, 2026, she would have to miss the Monday shifts that fell on the same day as her Monday laboratory class. Missing a work shift would result in a corrective action, and claimant thought that if she received three corrective actions, the employer would terminate her employment. Further, claimant understood that under the employer's hiring policies, if she separated from the employer and wished to seek getting a job with them in the future, an option she wanted to have remain open since she planned to eventually become a nurse, receiving corrective actions would make it more difficult to later be re-hired by the employer.

(7) Claimant decided to quit working for the employer because her new work schedule would conflict with her laboratory class scheduled for every other Monday for the remainder of the spring term, and because she wanted to avoid potentially receiving corrective actions if she had to miss her Monday work shifts due to the conflict.

(8) On March 21, 2026, claimant gave the employer notice of her intent to resign effective April 3, 2026. In the resignation letter, claimant stated that "due to my nursing school schedule, I am unable to meet the current full-time scheduling requirements, specifically the Monday shift after multiple attempts to explore possible rescheduling solutions." Audio Record at 14:37. Claimant resigned on April 3, 2026 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).

Per OAR 471-030-0038(5)(b), leaving work without good cause includes:

* * *

(D) Leaving to attend school, unless required by law[.]

The main reason claimant quit working for the employer was that her work schedule beginning April 5, 2026 would conflict with her laboratory class scheduled for every other Monday for the remainder of the spring term. Claimant thus left work to attend school because her reason for quitting work was based on the fact that working for the employer would conflict with her school attendance. Claimant was not required by law to attend nursing school. Accordingly, OAR 471-030-0038(5)(b)(D) applies, and claimant left work without good cause to the extent she quit for this reason.

Another reason claimant quit working for the employer was because she wanted to avoid receiving corrective actions if she had to miss her Monday work shifts due to the conflict with the laboratory class scheduled for every other Monday for the remainder of the spring term. Avoiding corrective actions was important to claimant because she believed if she got three corrective actions, the employer would terminate her employment. Also, claimant understood that under the employer’s hiring policies, receiving corrective actions would make it more difficult for her later to be re-hired by the employer, an option she wanted to have remain open since she planned to eventually become a nurse.

Claimant quit work without good cause to the extent she quit work for this latter reason. The record fails to show that it was certain claimant would actually have to miss her Monday work shifts due to the conflict with the laboratory class, or that if she did have to miss a Monday shift, it would happen often enough that she would eventually be discharged. First, as suggested by one of her managers, it may have been possible for claimant to trade shifts with a colleague to free up her work schedule on Monday, and avoid any conflict with the laboratory class. Further, because the laboratory class was to occur every other Monday for the remainder of the spring term, and claimant testified that it occurred three times in March 2026, it is likely that the class would meet only twice in April and probably only twice in May before the conclusion of the term.² Given that claimant needed only to trade shifts with a willing colleague on a limited number of occasions in April and May to avoid the conflict, the record fails to show that claimant faced a likelihood of missing the Monday shift often enough to risk being discharged. As the risk of being discharged was insubstantial at the time claimant quit, the potential of accumulating corrective actions that might compromise her ability to be re-hired at a later date should she separate from work did not present claimant with a grave situation. Accordingly, to the extent she quit work based on this reason, claimant failed to prove that she faced a situation of such gravity that she had no reasonable alternative but to leave work when she did.

² In claimant’s documentary evidence, she wrote in an email to her managers that “every other Monday I will have in person lab at campus that is mandatory for my program.” Exhibit 1 at 61. Claimant testified that she had three labs scheduled in March 2026. Audio Record at 17:59. Taken together, this evidence translates to claimant having had the laboratory class scheduled for March 2, 16, and 30, 2026. That would mean that the laboratory class would have met in April only twice, likely on April 13 and 27, 2026, and probably twice in May, on May 11 and 25, 2026.

For these reasons, claimant voluntarily left work without good cause and is disqualified from receiving benefits effective March 29, 2026.

DECISION: Order No. 26-UI-334159 is affirmed.

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

DATE of Service: August 27, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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