

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0666**

*Reversed and Remanded*

**PROCEDURAL HISTORY:** On July 7, 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 May 10, 2026 (decision # L0018458645).<sup>1</sup> Claimant filed a timely request for hearing. On July 21, 2026, ALJ Enyinnaya conducted a hearing and issued Order No. 26-UI-335520, affirming decision # L0018458645. On July 23, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB did not consider claimant's written argument because he did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**FINDINGS OF FACT:** (1) Taylor-Made Labels, Inc. employed claimant as a press operator from August 15, 2024 through May 10, 2026.

(2) In 2023, prior to working for the employer, claimant was involved in a workplace injury at a different job, resulting in the loss of one of his toes.

(3) During the course of his employment, claimant was concerned with the condition of the press machine he was working on, as it sometimes did not hold pressure correctly. Claimant reported this issue to the employer on multiple occasions, but felt that they did not adequately address it.

(4) On April 13, 2026, claimant was operating the press machine and found that it was again not holding pressure properly. As such, claimant attempted to repair the machine himself. However, the machine was missing a piece of safety glass that functioned as a "protective shield" for the user. Transcript at 11. As a result, when claimant attempted to repair the machine, his left index finger was "trapped" against

<sup>1</sup> Decision # L0018458645 stated that claimant was denied benefits from May 10, 2026 to May 8, 2027. However, decision # L0018458645 should have stated that claimant was disqualified from receiving benefits beginning May 10, 2026 and until he earned four times his weekly benefit amount. See ORS 657.176.

the machine, leading to an injury in which part of his fingernail was removed. Transcript at 12. Claimant sought medical treatment for the injury.

(5) Due to his injury, claimant's doctor ordered him off of work through April 20, 2026. On April 20, 2026, claimant returned to work with doctor's orders to perform light-duty work only, and that he should not use his left hand. When claimant returned to work that day, the employer was not able to find any light duty work for him. While at work that day, claimant learned that the missing piece of safety glass for the press machine had been installed. The employer initially assigned claimant to work at another machine that required him to use both hands. Claimant complied and worked on the machine for approximately six hours before a manager realized that this violated claimant's medical restriction. The manager subsequently sent claimant home for the day, and claimant returned to medical leave pending a release to full duty. While he was out on medical leave, claimant asked the employer if he could be reassigned to work on a different machine once he was cleared to return to regular duty, but the employer told claimant that he would have to return to working on the press machine.

(6) On May 10, 2026, claimant was cleared to return to regular duty. However, based on a number of factors, including the fact that the employer had not installed the safety glass on the press machine until after he was injured, the lack of available light-duty work while he was injured, and his brief assignment to perform work that violated his medical restrictions, claimant was concerned that returning to work to operate the press machine "placed [him] at risk of another serious injury." Transcript at 6. As such, claimant voluntarily quit work that day.

**CONCLUSIONS AND REASONS:** Order No. 26-UI-335520 is set aside and this matter remanded for further development of the record.

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 concerns that he was at risk of being re-injured after he hurt himself on a malfunctioning machine at work about a month prior. The order under review concluded that this did not constitute good cause for quitting, explaining that while claimant's circumstances were grave, he did not pursue reasonable alternatives such as returning to work and trying the press machine to see if there were safety issues remaining, and giving the employer the opportunity to resolve any such issues if they did remain. Order No. 26-UI-335520 at 3. The record as developed does not support this conclusion.

Claimant asserted several bases for his concern about re-injury, including his prior, unrelated injury at another job; the employer's failure to find him light-duty work after his April 13, 2026 injury; the employer's initial error in assigning him work that violated his medical restrictions; and the fact that the employer did not install the safety glass on the press machine until after claimant was injured, suggesting to claimant that his injury might have been preventable. *See* Transcript at 10; Exhibit 1 at 11. To be clear, none of these bases clearly show that claimant had reason to believe that he was at a

heightened risk of another injury if he returned to work on the press machine. However, the record as developed raises several questions as to the gravity of claimant's circumstances and what reasonable alternatives, if any, were available to him. As such, further development of the record is warranted.

First, while it does not follow logically that claimant's prior injury at a different workplace could actually lead to a heightened risk of reinjury at the employer's workplace, the record was not developed to show whether claimant's history of other workplace accidents resulted in any mental health conditions that might have caused him to be unusually sensitive or cautious about the prospect of reinjury. On remand, the ALJ should inquire as to whether claimant had any such conditions and, if so, how they affected his decision to quit.

Next, the record shows that claimant had made some attempts, before his April 13, 2026 injury, to have the employer address the issues he had been experiencing with the press machine. However, the details regarding these attempts, the mechanical issues that led to them, and claimant's efforts to repair the machine himself are limited. On remand, the ALJ should develop the record to more specifically show what was the mechanical issue with the press machine, including how frequently it occurred, how it impacted claimant's work, and whether that issue itself posed any safety risk; when claimant spoke to the employer regarding the issues with the press machine and what the employer's responses to these concerns were, even if claimant felt they were inadequate; and why claimant felt the need on April 13, 2026 to repair the machine himself, whether he was qualified to do so, and what would have happened if he did not repair it.

Finally, the ALJ should inquire as to what other reasons, if any, claimant had for believing that he might be reinjured if he returned to work on the press machine. This should include other issues with the press machine, if any, that claimant was aware of, what those issues were, and the employer's responses, if any, to those issues; as well as any other safety issues relating to other machines or work areas that claimant was aware of and that claimant knew the employer had been failing to address, and what the employer's responses were, if any, to those issues.

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant voluntarily quit with good cause, Order No. 26-UI-335520 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

**DECISION:** Order No. 26-UI-335520 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** September 3, 2026

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-335520 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)

Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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