

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0811

Affirmed
Disqualification

PROCEDURAL HISTORY: On June 9, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged, but not for misconduct, and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0018200756). The employer filed a timely request for hearing. On July 9, 2026, ALJ Naylor conducted a hearing, at which claimant failed to appear, and, on that date, issued Order No. 26-UI-334654, reversing decision # L0018200756 by concluding that claimant had voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective March 29, 2026. On July 25, 2026, claimant filed an application for review with the Employment Appeals Board (EAB), which, pursuant to OAR 471-041-0060(4) and (5) (May 13, 2019) and OAR 471-040-0040(6) (February 10, 2012), was treated as a request to reopen the July 9, 2026 hearing. EAB sent the request to reopen to the Office of Administrative Hearings (OAH) for review and decision.

ALJ S. Lee reviewed claimant's request and, on September 1, 2026, issued Order No. 26-UI-338871, denying claimant's request to reopen the July 9, 2026 hearing.¹ Pursuant to OAR 471-040-0040(6), because claimant's application for review that was treated as a request to reopen, and because Order No. 26-UI-338871 subsequently denied the reopen request, OAH returned the case to EAB. This matter comes before EAB based on claimant's July 25, 2026 application for review of Order No. 26-UI-334654 to review on the merits.

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

FINDINGS OF FACT: (1) Able Heating & Cooling, LLC employed claimant as a heating, ventilation, and air conditioning (HVAC) installer from June 9, 2025 through April 2, 2026.

¹ Claimant did not file an application for review on Order No. 26-UI-338871.

(2) One of the employer's employees was the account chair. The account chair's work duties included onboarding of new employees, handling human resources (HR) matters, and, if warranted, laying off employees.

(3) On March 30, 2026, claimant approached the account chair and asked that the employer lay him off work. The account chair denied the request, telling claimant, "absolutely no, we are not going to lay [you] off." Audio Record at 13:37. The account chair also stated that the employer needed claimant as an employee and told claimant that there was plenty of work available to accommodate increasing his hours to 40 hours per week, if claimant desired more hours.

(4) In the March 30, 2026 meeting, claimant told the account chair that he was only willing to do installation work because that was what he was hired for. At the time, however, full-time installation work was available to claimant. There were other types of work available to claimant as well, such as working in the office or helping in the warehouse. When performing those other types of work, claimant's rate of pay was the same as his pay for performing installation work. Claimant worked 35 hours per week on average at the time he approached the account chair to request a layoff.

(5) On April 1, 2026, after the account chair had informed claimant that the employer would not lay him off, claimant met with his supervisor and general manager, and requested to be laid off. Later that day, claimant sent the following email to his supervisor:

Hi [supervisor],

I just want to confirm in writing that due to the current lack of installation work, we had talked with . . . our general manager and agreed upon my layoff. Based on that I will be filing for unemployment through the Oregon Unemployment Department.

Exhibit 5 at 4. The supervisor responded that day, "Yes, that's what we discussed . . . in the last meeting, and we all agreed about laying you off." Exhibit 5 at 4. A few hours later, claimant sent another email to the supervisor asking him to confirm his last day of work. The supervisor responded, "Your last day to layoff will be this coming April second, 2026[.]" Exhibit 5 at 3.

(6) The account chair was the only agent of the employer with the authority to lay an employee off work. If the employer had decided to lay claimant off, they would have notified him via a written notice on the employer's official letterhead that would have been signed by the account chair and provided to claimant after a formal HR process.

(7) Claimant's supervisor was not authorized to lay claimant off. Furthermore, the account chair's un rebutted testimony was that claimant likely curated an email for the supervisor, who did not fully comprehend the terminology used by claimant, after already being told "no" to the lay off by the account chair.

(8) On April 2, 2026, claimant worked his final shift for the employer. On April 3, 2026, claimant went to the employer's workplace and dropped off his uniform, but did not work. Claimant did not work for the employer after April 2, 2026.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work without good cause.

Nature of the work separation. A work separation occurs when a claimant or employer ends the employer-employee relationship.

If claimant could have continued to work for the employer for an additional period of time, the work separation is a voluntary leaving. OAR 471-030-0038(2)(a) (September 22, 2020). If claimant was willing to continue working for the employer for an additional period of time, but the employer did not allow claimant to do so, the separation is a discharge. OAR 471-030-0038(2)(b).

The work separation was a voluntary leaving that occurred on April 2, 2026. Claimant set into motion the end of the employment relationship and the employer would have permitted claimant to continue working for them, had claimant wished to do so. Instead, claimant instigated the end of the employment relationship on March 30, 2026 when he asked the account chair to have the employer lay him off work, which the account chair refused to do. Claimant then continued his efforts to end the employment relationship by engaging his supervisor and general manager in a meeting to ask for a layoff, something neither the supervisor nor the general manager had authority to provide. Claimant then obtained apparent assent to the layoff from his supervisor, who was not authorized to layoff claimant, and may have misunderstood claimant as having merely requested an agreed-upon date to voluntarily leave work. Despite this, claimant could have continued working for the employer. At the time of the work separation, claimant was working 35 hours per week on average, and full-time installation work was available to him, as well as additional work doing other tasks like working in the office or helping in the warehouse. However, claimant apparently believed that installation work was not available, and, as shown by his insistence in pursuing a layoff, was unwilling to continue working for the employer for an additional period of time.

Thus, the record shows that claimant instigated the end of the employment relationship, obtained assent to a layoff from an agent of the employer who did not have authority to give assent and may have misunderstood claimant's intentions, and, despite the contrived layoff, could have worked for the employer for an additional period of time. Because claimant could have continued working for the employer but was unwilling to do so, the work separation was a voluntary leaving that occurred on April 2, 2026.

Voluntary Leaving. 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).

The record suggests that claimant quit work because he mistakenly believed that, at the time of his voluntary leaving, installation work was not available. This is the case because, at hearing, the account chair testified that in the March 30, 2026 meeting in which claimant requested a layoff, claimant told her that he was only willing to do installation work because that was what he was hired for. Audio record at

10:25. It is also supported by the fact that in one of his emails to the supervisor, claimant made a reference to a “current lack of installation work[.]” Exhibit 5 at 4.

Claimant quit work without good cause. Claimant did not face a grave situation, as the record shows that at the time of his voluntary leaving, full-time installation work was available. Moreover, additional types of work, such as working in the office or helping in the warehouse, were also available to claimant. Also, at the time that he quit, claimant worked 35 hours per week on average, and the employer would have accommodated increasing his hours to 40 per week, if he desired. Thus, the record fails to show that claimant quit work for a reason of such gravity that he had no reasonable alternative but to quit work when he did. Accordingly, claimant voluntarily left work without good cause.

For these reasons, claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective March 29, 2026.

DECISION: Order No. 26-UI-334654 is affirmed.

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

DATE of Service: October 6, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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.

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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.