

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0813

Reversed
No Disqualification

PROCEDURAL HISTORY: On August 10, 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 June 28, 2026 (decision # L0019122978). Claimant filed a timely request for hearing. On August 26, 2026, ALJ Janzen conducted a hearing at which the employer failed to appear, and on August 27, 2026 issued Order No. 26-UI-338402, affirming decision # L0019122978. On September 2, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant 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). 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 them from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) Marion County employed claimant as a part-time relief worker at a juvenile detention facility from June 22 through 30, 2026. Claimant's job duties included supervising juvenile detainees in the employer's facility.

(2) Claimant already worked full time as a security guard for a school district, but accepted the work offer with the employer based on a recommendation from a friend who also worked for the employer.

(3) The doors to the employer's facility were externally operated and secured. As such, claimant was not free to exit the facility of his own accord, but instead was required to wait for the assigned employee to open a given door before claimant could exit. This led claimant to feel "trapped" in the building, which caused him to suffer panic attacks. Audio Record at 8:32.

(4) Because of his position working as a school security guard, claimant had come to know some of the students at his school, and had taken on a mentor-like role with some of them. When he began working for the employer, claimant learned that three such students from his school were detained in the employer's facility. Seeing those students detained at the facility "emotionally... affected [claimant] to where [he] was coming home to [his] wife and [he] was venting on how sad [he] felt." Audio Record at 9:07.

(5) On June 30, 2026, claimant's uncle, who held a paternal role in claimant's life, had a stroke and was hospitalized. Claimant was "impacted... mentally and emotionally" by this, and sought to support his uncle's recovery. Audio Record at 8:07.

(6) On June 30, 2026, claimant voluntarily quit work because of his discomfort with the work environment of the employer's facility, as well as due to his desire to support his uncle's recovery.

(7) Before quitting, claimant did not speak to his manager about how working at the employer's facility had affected him. He did not do so because he had previously been subjected to ridicule when he disclosed his mental health difficulties to others, and had not yet established enough of a relationship with his manager to know that he could trust how she would react to such a disclosure.

CONCLUSIONS AND REASONS: Claimant quit work with 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 because of his discomfort with the work environment of the employer's facility, as well as due to his desire to support his uncle's recovery. As to the latter reason for quitting, while claimant's circumstances are sympathetic, claimant did not show that his uncle's stroke affected claimant so greatly that he was unable to work, that his uncle's need for care was incompatible with claimant's work schedule, or that any other aspect of this situation created a situation of such gravity that claimant had no reasonable alternative but to quit.

However, claimant's first reason for quitting, relating to his discomfort with the work environment, was a grave situation. The work environment caused claimant to feel "trapped" because of his inability to let himself out of the building, leading claimant to suffer from panic attacks at work. Additionally, seeing some of his school's students, with whom he had formed a mentor-like relationship, detained at the facility caused claimant to feel sad to the point that he needed to "vent" his feelings to his wife on a daily basis. Given how immediately and severely working for the employer appears to have affected claimant's emotional well-being, claimant faced a grave situation. The order under review acknowledged the same, but concluded that claimant quit without good cause "because he did not discuss his concerns with a manager or with the employer before leaving his job," which was a

reasonable alternative to quitting. Order No. 26-UI-338402 at 2. The record does not support the conclusion that this was a reasonable alternative to quitting.

Claimant did not speak to his manager about his concerns because of his prior negative experiences when he had disclosed mental health struggles to others, and he did not yet know his manager well enough to determine whether he could safely disclose them to her. Claimant's reasons aside, however, because the employer did not appear at the hearing or otherwise offer evidence into the record, the record lacks evidence to show that speaking to his manager would have had any practical effect on claimant's circumstances.

It does not show, for instance, that his manager would have been able to reassign him to a different role that would not trigger panic attacks, change the facility's security policy so that he could leave of his own accord, keep the students with whom claimant was acquainted out of his sight, or take any other measures that could have mitigated the difficulties that claimant had been experiencing. Under *Fisher v. Employment Department*, 911 P2d 975, 139 Or App 320 (Or. App. 1996), for a course of action to be considered a reasonable alternative to quitting, the record must show that such course of action was actually available to the individual. Because the record does not show that speaking to his manager could have had any practical effect on his circumstances, doing so would not have been a reasonable alternative to quitting. As such, and as the record does not show that any other reasonable alternatives were available to claimant, claimant quit for a reason of such gravity that he had no reasonable alternative but to quit.

For the above reasons, claimant quit work with good cause and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 26-UI-338402 is set aside, as outlined above.

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

DATE of Service: October 16, 2026

NOTE: This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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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