EO: Intrastate
BYE: 29-May-2027

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

063
VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0818

Reversed
No Disqualification
No Overpayment

PROCEDURAL HISTORY: On July 31, 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 3, 2026, and had been overpaid $2,079 in benefits that she must repay the Department (decision # L0018983560). Claimant filed a timely request for hearing. On August 19, 2026, ALJ S. Lee conducted a hearing, and on August 27, 2026 issued Order No. 26-UI-338508, affirming decision # L0018983560. On September 4, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Fred Meyer Stores, Inc. employed claimant from September 2025 through approximately May 2026. Claimant worked within the cheese shop at one of the employer's grocery stores and typically worked 3:00 p.m. to 7:00 p.m. shift.

(2) Claimant owned seven large, high-energy dogs, all between one and four years old. The dogs could not be left alone at home for more than approximately two hours at a time, or they would become destructive. Additionally, two of the dogs were "reactive" and therefore could not be safely left with a person with whom they were not well-acquainted. Transcript at 12. The process to acclimate the reactive dogs to a new person generally took several weeks and required the new person to spend hours at the house on a daily basis while one of the family members was also home with the dogs. As such, claimant's daughter, who lived with claimant and claimant's husband, watched the dogs while claimant and her husband were working. Claimant's husband started work between 2:00 p.m. and 4:00 p.m., and could not change his work schedule.

(3) In or around mid-April 2026, claimant's daughter moved out of the family home. Because she no longer lived with her parents and did not drive, claimant's daughter was not able to continue dog-sitting.

(4) After learning that her daughter would no longer be able to dog-sit, claimant asked the employer if she could move to an earlier shift, which would allow her to be home with the dogs by the time her husband left for work, but the employer told claimant that no such shifts were available. Claimant likewise asked the employer if she could transfer to another department within the store, or another nearby store, such that she could work an earlier shift, but the employer declined these requests as well. Claimant did not ask the employer if she could take time off from work to find someone who could watch the dogs for her.

(5) In late April or early May 2026, claimant notified her manager that she was quitting with immediate effect.[1] Claimant quit because she no longer had anyone who could watch her dogs while she was at work.

(6) On June 5, 2026, claimant filed an initial claim for benefits. The Department determined claimant's weekly benefit amount to be $297. Claimant subsequently claimed benefits for the weeks of June 6, 2026 through July 25, 2026 (weeks 23-26 through 29-26). These are the weeks at issue. The Department paid claimant a total of $2,079 for the weeks at issue. The Department paid claimant benefits for the weeks at issue under their "presumptive pay" policy, in which they pay benefits prior to an eligibility decision being reached. Transcript at 5.

CONCLUSIONS AND REASONS: Claimant voluntarily quit work with good cause. Claimant was not overpaid benefits for the weeks at issue.

Voluntary Quit. 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).

Under OAR 471-030-0038(5)(f), where the gravity of the situation experienced by the individual results from his or her own deliberate actions, to determine whether good cause exists, the actions of the individual in creating the grave situation must be examined in accordance with the provisions of OAR 471-030-0038(4).

Claimant quit because she no longer had anyone who could watch her dogs while she was at work, after her daughter had moved out. Claimant owned seven large high-energy dogs, who could not be left alone

[1] The exact date of claimant's work separation is unclear. Claimant testified at hearing that she "let [her] manager know that [she] would be putting [in her] notice" on her last day of work. Transcript at 11. However, the employer's witness, the store's human resources (HR) manager, testified that she contacted claimant on May 6, 2026, after claimant had failed to report for her previous five shifts, and that the HR manager was not aware that claimant had given notice of resignation. Transcript at 20. The HR manager also testified that after discussing the matter further, claimant agreed during the phone call that she would not be returning to work because she had nobody to watch her dogs. Transcript at 20. Thus, while the employer may have only officially learned of claimant's decision to quit on May 6, 2026, claimant appears to have made her decision, and notified the employer of the same, several days earlier.

for more than about two hours at a time, or they would become destructive. Claimant's husband, who could not change his work schedule, typically started work between 2:00 p.m. and 4:00 p.m. As claimant typically worked from 3:00 p.m. to 7:00 p.m., continuing to work for the employer would have likely resulted in the dogs being left alone for at least three hours a day. The record supports the inference that regularly leaving the dogs alone while claimant was at work could result in serious damage to claimant's home. Further, it can be inferred from the dogs' behavior that regularly leaving them alone for longer than an hour or two at a time could negatively impact their well-being. As such, claimant faced a grave situation.

While the order under review concluded that claimant's circumstances were grave, it nevertheless concluded that claimant quit without good cause because claimant created the gravity of her own situation, as "[i]t was claimant's choice to have seven dogs which, unlike children can be legally left alone, and, similar to children, to ensure there is care for them if the claimant is not available." Order No. 26-UI-338508 at 4. The record does not support the conclusion that claimant quit work without good cause.

First, the record does not show how or when claimant and her husband came to own the dogs. As such, it is not clear that claimant herself, rather than her husband, was responsible for the decision to acquire the dogs. Even if claimant alone made the decision to acquire the dogs, however, the dogs were aged between one and four years old at the time claimant quit, after having worked for the employer for only approximately nine months. Thus, claimant more likely than not already owned most or all of the dogs at the time she started working for the employer. Further, prior to around April 2026, claimant's daughter, who lived in the family home, was able to watch the dogs while claimant and her husband were at work.

The above considerations show that claimant did not create the gravity of her situation through her own deliberate actions, because claimant did not choose to own seven large, high-energy dogs who would have to be left home alone for multiple hours while claimant worked. Rather, claimant, at most, chose to own the dogs while her daughter lived at home and was able to care for them while claimant was at work. Those circumstances changed when claimant's daughter moved out of the home, and the record does not show or suggest that it was claimant's decision for her daughter to move out. Because claimant did not create the gravity of her situation, her actions in acquiring the dogs are not necessary to consider in the good-cause analysis.

The record also fails to show that claimant had any reasonable alternative but to quit. While claimant may have been able to eventually find someone else who could watch her dogs while she was working, the process to acclimate the dogs to them would have taken several weeks, and would have required claimant's presence in the home while it occurred, which would not have been possible if claimant had continued to work for the employer. Claimant asked to change shifts, or transfer to a different department or store so that she could be home with the dogs while her husband was at work, but the employer declined her requests. While claimant did not request time off to find another dogsitter, the employer's witness testified at hearing that they did not believe that the employer would have granted such a request. Transcript at 22. As such, claimant exhausted all reasonable alternatives to quitting. Claimant therefore quit work for a reason of such gravity that she had no reasonable alternative but to quit, and is not disqualified from receiving unemployment insurance benefits based on the quit.

Overpayment. A claimant who was overpaid benefits because of an error not caused by the claimant's false statement, misrepresentation of a material fact or failure to disclose a material fact, or because an initial decision to pay benefits is later reversed by a decision finding the individual is not eligible for the benefits, must have the amount deducted from future benefits otherwise payable to them. An overpayment may only be deducted from any future benefits the claimant is eligible to receive within the five years after the decision concluding there was an overpayment becomes final. ORS 657.315(1)(a).

Decision # L0018983560, as affirmed by the order under review, determined that claimant was overpaid benefits for the weeks at issue because she quit work without good cause. Order No. 26-UI-338508 at 4. As explained above, however, the record shows that claimant quit with good cause. Therefore, claimant was not overpaid benefits for the weeks at issue, and is not required to repay the benefits to the Department.

DECISION: Order No. 26-UI-338508 is set aside, as outlined above.

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

DATE of Service: October 20, 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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

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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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