EO: Intrastate
BYE: 22-May-2027

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

333
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0865

Reversed
No Disqualification

PROCEDURAL HISTORY: On August 4, 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 24, 2026 (decision # L0019134632). Claimant filed a timely request for hearing. On September 4, 2026, ALJ Murray conducted a hearing, and on September 8, 2026 issued Order No. 26-UI-339344, affirming decision # L0019134632. On September 13, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted a written argument that requested that EAB consider information that was not admitted into the hearing record. Claimant's Written Argument at 1–2. Claimant asserted in his argument that he had failed to offer the documents into evidence prior to the hearing because he had instead uploaded them to his Frances Online account with the Department, and "did not learn that a separate transmission to [the Office of Administrative Hearings] was required, or that the ALJ did not have the documents, until the hearing." Claimant's Written Argument at 2. However, the notice of hearing in this matter explicitly stated, "The documents enclosed here are the only documents that will be considered by the ALJ at the hearing. If you have other documents that you wish to have considered, you must provide copies of your documents to all parties and to the ALJ at the Office of Administrative Hearings… prior to the date of the scheduled hearing." Thus, whether or not claimant was aware of this requirement, claimant was notified of it prior to the hearing.

Therefore, claimant did not show that factors or circumstances beyond his reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record.

FINDINGS OF FACT: (1) Redfin Corporation employed claimant as a sales advisor from December 15, 2025 through May 28, 2026.

(2) In 2016, claimant was diagnosed with bipolar disorder. At the time that claimant worked for the employer, claimant regularly saw his primary care physician for management of the condition, including with medication. Because he lived in a "very rural" area, however, claimant had difficulty finding a psychiatrist or other specialist to manage his condition. Transcript at 8.

(3) Throughout his tenure with the employer, claimant was frustrated by the employer's failure to provide him with real-time information regarding his performance metrics because, among other factors, this lack of timely information affected claimant's compensation. Over time, the lack of timely information exacerbated claimant's anxiety that was symptomatic of his bipolar disorder.

(4) On or around April 13, 2026, claimant submitted an Americans with Disabilities Act (ADA) request to the employer, seeking accommodations in the form of real-time information on his performance metrics so as to ease his anxiety. Claimant submitted supporting documentation from his primary care physician. The employer told claimant that he would be required to provide supporting documentation from a specialist before they could approve the request, but did not take any other action on the request. At that point, claimant had still not found such a specialist to treat or manage his condition. The employer did not offer claimant any interim accommodations while the ADA request was pending.

(5) In or around mid-May 2026, the employer had made no progress towards approving claimant's ADA request. As such, claimant met with his manager to ask her if she could provide him with the real-time information he had been seeking, so as to ease his anxiety. Claimant also included a member of the employer's human resources (HR) department in this request. The manager ultimately provided claimant with more frequent updates on the requested information, but still did not provide him with the real-time information he had been seeking.

(6) The employer's continued failure to approve claimant's ADA accommodation request or otherwise provide him with the information he had been requesting worsened claimant's anxiety to the point that he suffered a "depressive crash," leaving him "effectively incapacitated." Transcript at 12. On or around May 27, 2026, due to this episode, claimant took a day off of work. Claimant "[t]hought [that he would] be able to recover" from the episode after a day off, but was unable to do so, and remained incapacitated. Transcript at 12.

(7) On May 28, 2026, as a result of his incapacitation stemming from his bipolar disorder, claimant notified the employer that he was resigning. Claimant did not work for the employer thereafter.

(8) Prior to quitting, claimant did not seek a leave of absence with the employer under the Family and Medical Leave Act (FMLA) or other similar programs.

(9) Approximately a week after claimant quit, he was able to get an appointment with a specialist.

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 Depart.*, 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 Depart.*, 348 Or 605, 612, 236 P3d 722 (2010). Claimant had bipolar disorder, a permanent or long-term "physical or mental impairment" as defined at 29 CFR §1630.2(h). A claimant with an impairment who quits work must show that a reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would not have continued to work for their employer for an additional period of time.

Claimant quit work because he experienced a depressive episode related to his bipolar disorder, which was caused by the employer's failure to provide him with real-time information regarding his performance metrics that would have eased his anxiety. Given that claimant was incapacitated and could not work as result of this episode, claimant faced a grave situation. The order under review concluded the same, but further concluded that claimant quit without good cause because he did not seek reasonable alternatives prior to quitting. Order No. 26-UI-339344 at 3. However, the record does not support the conclusion that claimant had any reasonable alternatives to quitting.

The order under review reasoned that "it was incumbent upon [claimant] to provide the employer with the necessary medical documentation to suppport a change in the relevant processes," and that claimant "had not yet made such an appointment at the time he resigned." Order No. 26-UI-339344 at 3. On this point, however, claimant actually testified, "…there was no exact time. I was supposed to go back to my provider and reevaluate. And we were hoping to get into a specialist." Transcript at 10.

While it is not entirely clear what claimant meant by this testimony, it does suggest that claimant had been making efforts to get an appointment with a specialist, even if he had not yet secured one at the time that he quit. This inference is further supported by the fact that claimant was able to get an appointment with a specialist about a week after he had quit, because it stands to reason that this appointment was, more likely than not, the result of an effort claimant or his physician had made over a period of time. As such, the record does not show, by a preponderance of the evidence, that claimant could have reasonably taken any more steps than he did to book an appointment with a specialist so as to provide the employer with the requested paperwork.

Moreover, at the time that he quit, claimant was unable to work because of symptoms that resulted from the employer's delay in processing his requests for accommodations. Thus, claimant could not have simply continued with his work duties at the time that he quit. Apparently in view of this, the order under review also suggested that claimant could have either "explore[d] mental health counseling or taking a leave of absence in the interim" in lieu of quitting. Order No. 26-UI-339344 at 3. As to the former suggestion, the record, as dicussed above, shows that claimant had been unable to book an appointment with a specialist (i.e., a psychiatrist) prior to quitting. While the record does not show whether claimant had separately sought treatment with a *psychologist* or other mental-health provider, it is not clear that doing so, even if available, would have been sufficient to allow claimant to return to work within a short period of time.

As to the latter suggestion, the record does not show that claimant was eligible for medical leave. At hearing, the employer's witness, the HR representative with whom claimant had been discussing his accommodation requests, answered "yes" to the ALJ's question of whether claimant could have "discussed with [the representative] a different form of leave of absence outside of just quitting."

Transcript at 19. No further testimony was taken on that point. As such, the record does not show that any type of leave of absence was actually available to claimant.

Further, given claimant's relatively short tenure with the employer, claimant had not worked for them long enough to qualify for either FMLA leave or leave under the Oregon Family Leave Act (OFLA). The former requires one year of service for the employer, and the latter requires 180 days of service for the employer, neither of which claimant had met at the time at the time he quit.[1] Finally, the record does not show that any such period of leave claimant took, even if available to him, would have been paid, or that claimant had any reason to know how long he would need to be off of work as a result of his condition. Therefore, taking leave to manage his condition would, more likely than not, have been an open-ended period of unpaid leave, which is not a reasonable alternative to quitting.[2]

For the above reasons, claimant quit work for a reason of such gravity that he had no reasonable alternative but to quit. Claimant therefore quit work with good cause and is not disqualified from receiving benefits based on the quit.

DECISION: Order No. 26-UI-339344 is set aside, as outlined above.

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

DATE of Service: October 30, 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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[1] *See* 29 C.F.R. § 825.110(a)(1); OAR 839-009-0210(8) (July 1, 2024).

[2] *See Sothras v. Employment Division*, 48 Or App 69, 616 P2d 524 (1980) (despite being on an unpaid leave of absence for more than a month claimant remained unable to return to work; the court held that "a protracted, unpaid leave of absence is not a 'reasonable alternative' to leaving work and being unemployed; indeed it is not an alternative at all"); *Taylor v. Employment Division*, 66 Or App 313, 674 P2d 64 (1984) (claimant had good cause to leave work after being suspended without pay for over a month, and there was no end in sight to the suspension).

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

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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*
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