

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0388

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause (decision # 142919). Claimant filed a timely request for hearing. On February 20, 2014, ALJ Wyatt conducted a hearing, and on March 7, 2014 issued Hearing Decision 14-UI-11880, affirming the Department's decision. On March 11, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument to the extent it was based on information received into evidence at the hearing. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

**FINDINGS OF FACT:** (1) Rapid City Area schools last employed claimant from August 26 to November 1, 2013. Claimant lived and worked for the employer in Rapid City, South Dakota.

(2) Claimant started working for the employer as a football coach on August 26, 2013. In September 2013, claimant also started working for the employer as a substitute teacher. In mid-September 2013, claimant received an offer to work at Mt. Bachelor ski resort for the upcoming ski season. The work was to begin on November 14, 2013.

(3) Claimant's work for the employer as a football coach ended on October 25, 2013. On November 1, 2013, claimant quit working for the employer as substitute teacher to accept the offer to work at Mt. Bachelor ski resort. On November 4, 2013, claimant moved from Rapid City to Bend, Oregon.

**CONCLUSIONS AND REASONS:** We agree with the Department and the ALJ that claimant quit work without good cause.

A claimant who quits work is disqualified from the receipt of benefits unless he proves, by a preponderance of the evidence, that he had good cause for quitting when he did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). Where, as here, an individual quits work to accept an offer of other work good cause may exist only if the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances, and the offered work is reasonably expected to continue. OAR 471-030-0038(5)(a) (August 3, 2011).

In the present case, claimant failed to show that he could not have continued working for the employer as a substitute teacher for an additional period of time after November 1, 2013 before moving to Bend and starting work at Mt. Bachelor ski resort on November 14, 2013. Claimant therefore failed to establish that the work was to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. In addition, the work claimant was offered was expected to end at the end of the ski season. The offered work therefore was seasonal, and not reasonably expected to continue.

Claimant quit work without good cause, and is disqualified from the receipt of benefits.

**DECISION:** Hearing Decision 14-UI-11880 is affirmed.

Tony Corcoran and D. E. Larson;  
Susan Rossiter, not participating.

**DATE of Service:** March 27, 2014

**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 listed above. See ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.