

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0569

*Affirmed  
Disqualification*

**PROCEDURAL HISTORY:** On February 10, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 165041). Claimant filed a timely request for hearing. On March 26, 2014, ALJ Vaughn conducted a hearing, and on March 28, 2014 issued Hearing Decision 14-UI-13747, affirming the Department's decision. On April 14, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted a written argument in which he contended that he did not quit work because, although he might have been unwilling to continue working as a leased employee for one of the employer's clients, he was willing to continue working for the employer as demonstrated when he subsequently asked the employer for a new assignment to a different client. In essence, claimant is contending that by refusing to give him a new assignment after he decided to leave his old one, the employer discharged him. However, OAR 471-030-0038(1) (August 3, 2011) states that when a claimant works for an employee leasing company, like the employer in this case, the work separation occurs when the work assignment ends, and the necessary implication of this instruction is that the work separation should be characterized by the manner in which the work assignment ended. Claimant's written argument did not dispute that he voluntarily left his work assignment for one of the employer's clients. When claimant ended that assignment with the employer's client, his employment relationship with the employer was then severed and, for purposes of determining whether he left work, it is irrelevant that claimant was willing to continue working for the employer in a new assignment. We have reviewed the entire record, including claimant's written argument, and agree with the ALJ that the preponderance of the evidence shows that claimant voluntarily left the work to which he had been assigned and he did so without good cause. Claimant is therefore disqualified from unemployment insurance benefits.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**

**DECISION:** Hearing Decision 14-UI-13747 is affirmed.

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

**DATE of Service:** April 22, 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.