

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1804

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 3, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause (decision # 102401). Claimant filed a timely request for hearing. On November 12, 2014, ALJ S. Lee conducted a hearing, and on November 13, 2014 issued Hearing Decision 14-UI-28628, affirming the Department's decision. On November 18, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Consonus Pharmacy Services LLC employed claimant from March 18, 2013 to September 4, 2014.

(2) Claimant quit work to accept an offer of six months' temporary work from another employer. The offer was contingent upon claimant passing a background check, drug test and health assessment. The offer was rescinded when claimant failed to pass the drug test.

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

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless he proves, by a preponderance of the evidence, that he had good cause for leaving work 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 leaves work to accept an offer of other work, good cause can exist only if the offer is definite, and the offered work is reasonably expected to continue. OAR 471-030-0038(5)(a) (August 3, 2011). Claimant quit work to accept an offer of six months' temporary work that was contingent upon him passing a background check, drug test and health assessment. The offer therefore was not definite, and the offered work was not reasonably expected to continue. Claimant quit work without good cause, and is disqualified from the receipt of benefits.

DECISION: Hearing Decision 14-UI-28628 is affirmed.

Tony Corcoran and J. S. Cromwell;
Susan Rossiter, not participating.

DATE of Service: **December 23, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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