

## EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0000

*Affirmed  
Disqualification*

**PROCEDURAL HISTORY:** On November 20, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 13001). Claimant filed a timely request for hearing. On December 30, 2014, ALJ Murdock conducted a hearing at which the employer did not appear, and on December 31, 2014 issued Hearing Decision 14-UI-31142, affirming the Department's decision. On January 6, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) St. Francis Animal Hospital employed claimant as a receptionist from March 26, 2013 until October 25, 2014. Claimant worked full time for the employer and earned \$14 per hour.

(2) When she was hired, claimant told the employer that she was a licensed tax preparer and during tax season would need to take a leave of absence to allow her to work as a tax preparer or she would resign.

(3) Sometime before October 28, 2014, claimant received and accepted an offer of work from H&R Block as a tax preparer during the tax season of 2015. The offered work was to start on November 4, 2014, when claimant was scheduled to begin attending training. H&R Block was going to pay claimant \$9.10 per hour when she was attending training and \$13 per hour when she was working as a tax preparer. Claimant knew that her work as a tax preparer for H&R Block would end at the conclusion of the 2015 tax season, or on or shortly after April 15, 2015.

(4) Sometime around October 28, 2014, claimant asked the employer if she could take a leave of absence from November 4, 2014 through April 15, 2015 to attend training and to work for H&R Block. The employer refused to authorize the leave of absence.

(5) On October 25, 2014, claimant quit work to attend the training that H&R Block sponsored beginning on November 4, 2014 and to work for H&R Block as a tax preparer until April 15, 2015.

(6) Claimant's weekly benefit amount was \$277.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless she proves, by a preponderance of the evidence, that she had good cause for leaving work when she did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). “Good cause” is defined, in relevant part, as a reason of such gravity that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would have no reasonable alternative but to leave work. OAR 471-030-0038(4) (August 3, 2011). If a claimant leaves work to accept an offer of other work good cause exists only if, among other things, the offered work is reasonably expected to continue. OAR 471-030-0038(5)(a) (August 3, 2011).

While it is understandable that claimant wanted to take advantage of her special skills and maintain her license as a tax preparer, the language of OAR 471-030-0038(5)(a) sets out the exclusive grounds for concluding that she had good cause for leaving her existing work with the employer to work for H&R Block. Claimant candidly testified that the work she was offered by H&R Block was temporary, only for “tax season,” and she reasonably did not anticipate that it would continue past April 15, 2015. Audio at ~5:33, ~10:25, ~11:26. Because the offered work was not reasonably expected to continue, claimant did not show, more likely than not, that it was good cause for her to leave work. Although claimant might have tried to maintain her existing work relationship with the employer by requesting a leave of absence to allow her to work as a tax preparer during tax season, the employer was not required to accommodate her wishes or to avoid placing her in a position where she needed to resign in order to pursue her desired work with H&R Block.

Claimant did not show good cause for leaving work when she did. Claimant is disqualified from receiving unemployment insurance benefits.

**DECISION:** Hearing Decision 14-UI-31142 is affirmed.

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

**DATE of Service:** February 23, 2015

**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](http://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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.