

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

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0002**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On November 13, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 113534). Claimant filed a timely request for hearing. On December 16, 2014, ALJ Frank conducted a hearing, and on December 19, 2014 issued Hearing Decision 14-UI-30687, affirming the Department's decision. On January 7, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. Claimant submitted written argument but failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). EAB therefore did not consider claimant's written argument when reaching this decision.

**FINDINGS OF FACT:** (1) IRCO employed claimant from June 16, 2014 to September 19, 2014 as a scheduler, interpreter and coordinator.

(2) The employer told claimant during his pre-employment interview that it would pay him \$26,000 to \$32,000 per year for full time work. On June 16, 2014, claimant began full time work. On June 30, 2014, claimant learned that his starting pay rate was \$13.98 per hour, a rate that fell within the pay range promised by the employer.

(3) Claimant was dissatisfied with his pay rate because he had earned \$20 performing similar work for his prior employer, and was unable to pay all his bills. Claimant's work-related expenses did not exceed the remuneration he received.

(4) Claimant decided to attend school to become a certified medical interpreter. Claimant was 51 years old and not required by law to attend school.

(5) On September 5, 2014, claimant notified the employer he would quit work on September 19, 2014. On September 19, 2014, claimant quit work to attend school and because he was dissatisfied with his rate of pay.

**CONCLUSIONS AND REASONS:** We agree with the ALJ and conclude claimant voluntarily left 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). “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). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for his employer for an additional period of time. Leaving work without good cause includes leaving work to attend school, unless required by law. OAR 471-030-0038(5)(b)(D).

Claimant quit work, in part, because he was dissatisfied with his pay rate and was unable to pay all his bills. However, claimant failed to show that the cost of working for the employer exceeded the remuneration he received, or that he improved his ability to pay his bills by quitting his job. Absent such showings, claimant failed to establish that no reasonable and prudent person would have continued to work for his employer at his current rate of pay. To the extent claimant quit work to attend school, he quit work to attend school not required by law, and therefore quit work without good cause under OAR 471-030-0038(5)(b)(D).

We therefore conclude that claimant quit work without good cause, and that he is disqualified from the receipt of unemployment insurance benefits based on this work separation.

**DECISION:** Hearing Decision 14-UI-30687 is affirmed.

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

**DATE of Service:** February 19, 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.

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