

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0376-R**

*EAB Decision 2015-EAB-0376 Adhered To On Reconsideration  
Disqualification*

**PROCEDURAL HISTORY:** On February 4, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 74735). The employer filed a timely request for hearing. On March 24, 2015, ALJ Murdock conducted a hearing, and on March 25, 2015 issued Hearing Decision 15-UI-35702, concluding claimant voluntarily left work without good cause. On April 3, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On April 9, 2015, EAB issued Appeals Board Decision 2015-EAB-0376, affirming Hearing Decision 15-UI-35702. On April 17, 2015, claimant submitted a written argument to EAB. In accordance with the authority granted to us under ORS 657.290(3), we will grant reconsideration of Appeals Board Decision 2015-EAB-9376 to address some of the issues raised in claimant's written argument.

In his argument, claimant asserted at the time he left the employer, "it was for a job promised me to start in March 2015. I left early to relocate, this also gave my boss... enough time to find a replacement for myself and the other assistant who has also left before the spring season started." Written Argument at 1. The record shows that on December 12, 2014, claimant gave the employer notice that he was resigning his position in central Oregon to accept a job in Portland that was scheduled to begin on February 1, 2015 and that his last day of work for the employer would be December 31, 2014. Hearing Decision 15-UI-35702 at 2. Whether claimant's new job was scheduled to begin on February 1, 2015 or in March 2015, as claimant now asserts, we agree with the ALJ's conclusion: claimant failed to establish that he had good cause for voluntarily leaving work to accept a new job under OAR 471-030-0038(5) (August 3, 2011). OAR 471-030-0038(5)(a) provides that an individual who leaves work to accept an offer of other work has good cause for doing so only if certain requirements are met; one of these requirements is that "the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances." As the ALJ noted, the record fails to show that claimant needed 4.5 weeks to relocate, given that he had no particular deadline for vacating his central

Oregon residence and was able to move most of his personal effects during the first 18 weeks of January 2015. Hearing Decision 15-UI-35702 at 2 and 3.

Claimant also asserted in his written argument that he “wanted to change jobs because my body just could not take the grind of day to day work that had become the new expectations at the [employer’s] golf course.” Written Argument at 1. The record shows that claimant suffered from arthritis and gout, and that these physical conditions affected his ability to perform work for the employer. Hearing Decision 15-UI-35702 at 2. We agree with the ALJ’s conclusion that a reasonable and prudent person of normal sensitivity and exercising ordinary common sense who suffered from gout and arthritis would have told management about these problems and possibly requested medical accommodation to limit work hours. Because claimant did not take these actions, he failed to demonstrate he had no reasonable alternative but to quit his job and therefore did not demonstrate good cause for leaving work.

For the reasons explained above, we find no error of fact or law in Appeals Board Decision 2015-EAB-0376. We therefore adhere to the conclusion we reached in that decision.

**DECISION:** On reconsideration, we adhere to Employment Appeals Board Decision 2015-EAB-0376 and affirm Hearing Decision 15-UI-35702.

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

**DATE of Service:** May 7, 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 Court of Appeals website at [courts.oregon.gov](http://courts.oregon.gov). Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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