

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0481-R

*Appeals Board Decision 2015-EAB-0481 Adhered To On Reconsideration
Disqualification*

PROCEDURAL HISTORY: On March 9, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 115115). Claimant filed a timely request for hearing. On April 8, 2015, ALJ Kirkwood conducted a hearing and issued Hearing Decision 15-UI-36500, affirming the Department's decision. On April 24, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On May 8, 2015, EAB issued Appeals Board Decision 2015-EAB-0481 in which it affirmed Hearing Decision 15-UI-36500.

On May 12, 2015, claimant submitted a written argument to EAB. We exercise our discretion under ORS 657.290(2) to reconsider Appeals Board Decision 2015-EAB-0481 and address some of the issues raised in claimant's written argument.

In Hearing Decision 15-UI-36500, the ALJ found that the employer hired claimant as a part-time teacher to replace a teacher who had left because of her pregnancy. After claimant participated in paid training, the teacher claimant was supposed to replace decided to return to work for the employer after taking maternity leave. The employer offered claimant a position as a substitute teacher, which claimant refused to accept because she believed that the employer acted unprofessionally in failing to provide her with the position for which she had been hired. The ALJ concluded that claimant failed to demonstrate good cause for voluntarily leaving work because the employer's conduct did not constitute a situation of such gravity that a reasonable and prudent person would decide she had no alternative but to quit her job. OAR 471-030-0038(4) (August 3, 2011). In addition, the ALJ concluded that claimant had the reasonable alternative of continuing to work as a substitute for the employer while she looked for other work.

In her written argument, claimant asserted that it was not in her best interest to accept the substitute position the employer offered to her, a position that was "unsolicited" because it was not the position for

which claimant had been hired. Claimant may have had legitimate personal reasons for refusing to continue working for the employer. We agree with the ALJ, however, that these reasons do not constitute good cause for voluntarily leaving under the applicable standard.

Claimant failed to demonstrate any error of fact or law that would cause us to alter the conclusion reached by the ALJ in Hearing Decision 15-UI-36500 that we affirmed in Appeals Board Decision 2015-EAB-0481. We therefore adhere to our decision.

DECISION: Reconsideration is granted. We adhere to Appeals Board Decision 2015-EAB-0481 as clarified herein.

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

DATE of Service: May 26, 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. 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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