

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0652

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 17, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision #152703). Claimant filed a timely request for hearing. On May 12, 2015, ALJ Frank conducted a hearing, and on May 20, 2015, issued Hearing Decision 15-UI-38798, affirming the administrative decision. On June 1, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Mid-Columbia Medical Center employed claimant in a full time temporary position as a clinical administrative assistant from September 8, 2014 to February 27, 2015. Claimant was hired to replace an employee who was on parental leave.

(2) Although the employee whom claimant replaced returned sometime in January 2015, the employer had continuing full time temporary work available for claimant until the end of March 2015. The employer had part-time work available for claimant after March 2015.

(3) Claimant earned \$18.50 per hour working for the employer. In the job that claimant held before she started work for the employer, claimant earned \$60,000 per year plus bonuses; she also received medical, dental and retirement benefits.

(4) On February 10, 2015, claimant emailed her supervisor, asking that February 27, 2015 be her last day of work. Claimant told her supervisor that she was leaving on that date because she would soon be giving birth. Claimant did not ask her supervisor for a leave of absence. Had she done so, the employer would have granted her leave. Claimant and her supervisor agreed that February 27 would be claimant's last day of work.

(5) Claimant quit her job to have a baby, and because she was dissatisfied with the wage the employer paid her and wanted to find a better paying job.

CONCLUSION AND REASONS: We agree with the ALJ that 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). 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 her employer for an additional period of time.

To the extent that claimant quit work because she wanted a job that paid more and provided more generous benefits, she failed to demonstrate that her desire for more lucrative employment constituted a grave situation that left her no alternative but to leave work when she did. Claimant testified that wage she received from the employer created “a bit of a burden” financially for her and her family. Audio at 13:47. By voluntarily leaving work for the employer, however, claimant entirely deprived her family of her income and created an even more burdensome financial situation for her family. Claimant had the reasonable alternative of continuing to work for the employer and looking for a better paying job. The employer was willing to allow claimant some periodic time off to attend job interviews. Audio at 21:33.

To the extent that claimant quit work because she was about to give birth, she also failed to demonstrate that the need to care for her baby was a grave situation that necessitated her resignation. Claimant had the reasonable alternative of asking the employer for a leave of absence; the employer would have readily and “happily” granted such a request. Audio at 21:05.

Claimant failed to show that she faced a situation of such gravity that no reasonable and prudent person would have continued working for the employer after February 27, 2015. She therefore did not demonstrate good cause for voluntarily leaving work, and is disqualified from the receipt of unemployment benefits on the basis of this work separation.

DECISION: Hearing Decision 15-UI-38798 is affirmed.

Susan Rossiter and D. P. Hettle, *pro tempore*;
J. S. Cromwell, not participating.

DATE of Service: July 21, 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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