

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0870**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On June 9, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 160217). Claimant filed a timely request for hearing. On July 1, 2014, ALJ Murdock conducted a hearing at which the employer failed to appear, and on July 6, 2014 issued Hearing Decision 15-UI-41093, affirming the Department's decision. On July 18, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's argument to the extent it was relevant and based on the record.

**FINDINGS OF FACT:** (1) Fowler & McNair employed claimant from May 1, 1998 to September 12, 2014 as a legal secretary.

(2) Claimant lived and worked for the employer in Medford, Oregon. Claimant became engaged to marry a man who lived and had long-term employment in Redmond, Oregon.

(3) In August 2014, claimant told the employer she was quitting work on September 12, 2014. Claimant quit work to prepare for her wedding on September 27, 2014 near her mother's home in Gold Beach, Oregon, and to prepare her house for sale.

(4) During October 2014, claimant spent approximately ten days helping her disabled mother move and arranging for her care in Redmond, Oregon.

(5) On November 22, 2014, claimant moved from Medford, Oregon to live with her spouse in Redmond, Oregon. She sold her house on December 31, 2014.

**CONCLUSIONS AND REASONS:** We agree with the ALJ that claimant quit work without good cause.

A claimant who quits work voluntarily is disqualified from the receipt of benefits unless she proves, by a preponderance of the evidence, that she had good cause to quit work when she did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). Quitting work with good cause includes quitting due to compelling family reasons. OAR 471-030-0038(5)(g) (August 3, 2011). OAR 471-030-0038(1)(e)(B) and (C) provide, in relevant part, that “compelling family reasons” means the illness or disability of a member of the individual’s immediate family necessitates care by another and the individual’s employer does not accommodate the employee’s request for time off, or the need to accompany the individual’s spouse to a place from which it is impractical for such individual to commute, due to a change in location of the spouse’s employment. Otherwise, “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 alternative but to leave work. OAR 471-030-0038(4). 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.

In the present case, claimant did not quit work for compelling family reasons as defined under OAR 471-030-0038(1)(e) because, although claimant moved her invalid mother to live near claimant’s future home in Redmond and arranged for her care, claimant did not show that she quit work to care for her mother when claimant quit on September 12, 2014. Nor did claimant quit work due to a need to accompany her spouse due to a change in his employment. We therefore analyze claimant’s decision to quit work under OAR 471-030-0038(4). Claimant asserted in her written argument that “the main fact to consider is that [she] could no longer work from Redmond at a job based in Medford.” Claimant’s Written Argument at 2. We agree it would have been impractical for claimant to commute between Redmond and Medford for work. However, the record fails to show that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense would have quit work on September 12 due to the commute, preparing for her wedding or the sale of her house, or to live with her spouse, where she did not move to Redmond to join her husband until November 22, more than five weeks later. Claimant had the reasonable alternative of continuing to work for the employer until closer to the time she actually moved to Redmond. We therefore conclude that claimant quit work without good cause. Claimant is disqualified from the receipt of benefits.

**DECISION:** Hearing Decision 15-UI-41093 is affirmed.

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

**DATE of Service:** August 24, 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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