

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1502

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 20, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 150916). Claimant filed a timely request for hearing. On December 1, 2015, ALJ Murdock conducted a hearing, and on December 4, 2015, issued Hearing Decision 15-UI-48838, affirming the administrative decision. On December 16, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

In his written argument, claimant questions why the ALJ concluded he did not demonstrate good cause for leaving his job with Estension Logistics to accept a new job with UPS that paid more and gave him more work hours than he had received from Estension. Claimant does not dispute the ALJ's finding that when he quit his job with Estension Logistics in early September 2015, he knew that the new job with UPS would depend on his passing a physical exam, which he took later in September. In addition, the UPS job claimant was offered was seasonal and expected to end on December 31, 2015. Under OAR 471-0030-0038(5)(a) (August 3, 2011), a claimant demonstrates good cause for leaving a job to accept an offer of work only if the offer is definite, and the work is reasonably expected to continue. The offer of work claimant received from UPS was not definite, because it was contingent on passing a physical exam, and was not reasonably expected to continue, because it ended on December 31, 2015.¹

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 15-UI-48838 is affirmed.

Susan Rossiter and J. S. Cromwell

¹ At the hearing, claimant testified that UPS had "semi-offered" him a permanent position in Roseburg after December 31. This evidence is insufficient to demonstrate that at the time claimant accepted the offer of work for UPS, the work was reasonably expected to continue beyond December 31.

DATE of Service: December 30, 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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