

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0107**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 22, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 103504). Claimant filed a timely request for hearing. On January 20, 2016, ALJ Seideman conducted a hearing, and on January 20, 2016 issued Hearing Decision 16-UI-51395, affirming the Department's decision. On February 1, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. Claimant submitted written argument with her application for review. However, her argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond her reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

**FINDINGS OF FACT:** (1) US Postal Service employed claimant as a postal service employee mail processing clerk from November 7 through 23, 2015.

(2) After she was hired, claimant learned that she was required to work up to six consecutive days per week, including mandatory overtime. Claimant lived in Castle Rock, Washington and worked for the employer in Portland, Oregon. She typically left home for work approximately 1.5 hours before the start of her shift to ensure she reported for work on time.

(3) Claimant began performing services for the employer on Monday, November 9, 2015, and was required to work 8.5 hrs. On November 10, claimant was required to work 4 hours. On November 11, she was required to work 12.5 hrs. On November 12, she again was required to work 12.5 hours. Claimant therefore worked an average of approximately 9.4 hours per shift from November 9 through 12.

(4) The employer did not require claimant to work on November 13 or 14.

(5) Claimant was required to work from November 15 through 20, off on November 21 and 22, and required to work on November 23. During that time, claimant was required to work approximately 12 hours on one occasion, 11 hours on two occasions, 10 hours on one occasion, 8 hours on one occasion, and less than 8 hours on two occasions. Claimant worked an average of 9.3 hours per shift from November 15 through 23.

(6) Claimant quit work because of the amount of days and hours she was required to work.

**CONCLUSIONS AND REASONS:** We agree with the Department and the ALJ that claimant quit working for the employer 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).

In the present case, the record shows that although claimant was dissatisfied with other aspects of working for the employer, she quit work when she did because of the amount of days and hours she was required to work. We therefore focus on claimant’s work schedule as the reason she quit. In written argument, claimant asserts that is her “opinion” that she had good cause to quit work, that she is a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, and “felt” she had no reasonable alternative but to quit. However, the “good cause” 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.

Although claimant was required to work up to six consecutive days per week, including mandatory overtime, she had four days off in fifteen days, was required to work less than 8 hours on three occasions and approximately 8 hours on one occasion. The requirement that claimant work between approximately 10 and 12 hours on 6 occasions in a fifteen day period is not so manifestly unreasonable that no reasonable and prudent person would continue working for her employer. Nor did claimant show that the effect of her work schedule and commute on her mental or physical health or well-being was such that no reasonable and prudent person would have continued to work for her employer for an additional period of time. Absent such a showing, claimant failed to establish that she quit work with good cause. She therefore is disqualified from receiving benefits based on her work separation from the employer.

**DECISION:** Hearing Decision 16-UI-51395 is affirmed.

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

**DATE of Service: February 19, 2016**

**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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