

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0665**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On April 25, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 121526). Claimant filed a timely request for hearing. On May 17, 2016, ALJ Rich conducted a hearing, and on May 25, 2016, issued Hearing Decision 16-UI-60441, affirming the administrative decision. On May 31, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

**FINDINGS OF FACT:** (1) The Bank of Eastern Oregon employed from January 2, 2001 to March 31, 2016, last in its electronic banking department.

(2) Sometime in 2009 or 2010, claimant began to have a romantic relationship with her ex-husband from whom she had been divorced since 1978. Her ex-husband lived in Salem, Oregon and claimant lived in Heppner, Oregon. The distance between Heppner and Salem is approximately 300 miles. Claimant's long distance relationship with her ex-husband continued for the next six and one-half years because neither claimant nor her husband moved.

(3) Sometime in 2011, claimant and her ex-husband became engaged and scheduled their wedding for May 18, 2016. On February 11, 2016, claimant notified the employer she was resigning her position effective April 2, 2016. Claimant quit her job to live with her fiancé and to look for work in Salem prior to her marriage. Claimant did not believe she would be successful finding a job in Salem while she continued to live and work in Heppner. Claimant never asked the employer for time off from work so she could search for work in Salem.

(4) On April 2, 2016, claimant moved to Salem. Claimant and her fiancé did not marry on May 18; their wedding was postponed indefinitely.

**CONCLUSION AND REASONS:** We agree with the ALJ, and conclude 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.

Claimant, who was living in Heppner, Oregon, quit her job to move 300 miles away to Salem, Oregon, to live with her fiancé and to look for work prior to the date on which their marriage was scheduled. In Hearing Decision 16-UI-60441, the ALJ concluded that because claimant quit her job to look for other work, she did not have good cause to do so under OAR 471-030-0038(5)(b)(A), which provides that leaving work without good cause includes “[l]eaving suitable work to seek other work.” While we agree with the ALJ’s conclusions, we disagree with his reasoning for the reasons stated below.

Claimant’s decision to leave her job with the employer on March 31 and relocate to Salem was motivated both by a desire to live with her fiancé, whom she expected to marry on May 18, and to find work. To the extent that claimant quit her job to live with fiancé prior to their planned wedding, she failed to demonstrate good cause for quitting. Claimant failed to demonstrate that her relationship with her fiancé would be seriously jeopardized if she did not relocate to Salem when she did. Because claimant and her ex-husband had successfully maintained a long distance relationship for approximately six and one-half years and an engagement for approximately five years, it appears probable that their relationship would not have been adversely affected if claimant had not relocated to Salem on March 31. To the extent that claimant left work for the employer because she wanted to find a job in Salem before the date she expected to marry her fiancé, she also failed to demonstrate that she faced a grave situation that left her no alternative but to quit work. While we agree with claimant that it would have been difficult for her to remain in Heppner and search for work in Salem, claimant had the reasonable alternative of asking the employer for leave so that she could look for a job in Salem. On this record, a reasonable and prudent person, who had successfully maintained a long term relationship with her fiancé, would not have concluded that she faced a grave situation that left her no alternative but to leave work a month and one-half before the scheduled date of her marriage.

Claimant voluntarily left work without good cause. She is disqualified from the receipt of unemployment benefits on the basis of this work separation.

**DECISION:** Hearing Decision 16-UI-60441 is affirmed.

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

**DATE of Service: July 6, 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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