

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0912**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On July 6, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 75206). Claimant filed a timely request for hearing. On July 27, 2016, ALJ Murdock conducted a hearing, and on August 2, 2016 issued Hearing Decision 16-UI-64855, affirming the Department's decision. On August 4, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Pacific Sea Food Company, Inc. employed claimant from February 6, 2006 until June 10, 2016, last as a credit manager. The employer's workplace was located in Portland, Oregon.

(2) As of approximately 2016, claimant earned \$19.10 per hour and worked full time. Also as of that time, claimant lived alone in Happy Valley, Oregon and paid \$1,195 per month to rent an apartment. Claimant had significant debt on which she was making payments each month. It was difficult for claimant to pay the rent and her other living expenses on the take-home pay she received. Claimant was "struggling" financially.

(3) Also as of approximately 2016, claimant's daughter, the daughter's husband and their 15 month old son lived in Albany, Oregon. The daughter and her husband worked on weekdays and weekends. On weekdays, the child care duties for claimant's grandson were split between a professional daycare provider and the child's paternal grandmother. Claimant provided care for her grandson in her home in Happy Valley on weekends. Every Friday night, claimant drove to Keizer Station in Keizer, Oregon where she picked up her grandson from her daughter and took him to Happy Valley. Every Sunday night, claimant drove her grandson to Keizer Station where he was picked up by claimant's daughter and taken back to his home in Albany. The cost of driving to and from Keizer Station each weekend put an additional strain on claimant's finances.

(4) On approximately March 28, 2016, claimant was notified that her rent was going to increase to at least \$1,275 per month effective July 1, 2016. Claimant's current apartment lease expired on May 31, 2016. Claimant told her daughter she did not think she could afford the increase in rent. Claimant's daughter suggested she move to Albany where the cost of living was less expensive than in the Portland area, where apartments were available for \$995 per month and where she would not incur the transportation costs of driving weekly to and from Keizer to pick up her grandson. Claimant decided to move from Happy Valley to Albany.

(5) On May 13, 2016, claimant notified the employer that she was quitting work to move to Albany because she needed to reduce her living expenses and wanted to be closer to her daughter. Claimant gave notice on her apartment in Happy Valley and arranged to rent a residence in Albany for \$995 per month. Claimant used most of her savings to relocate to Albany. On approximately June 4, 2016, claimant moved her personal possessions to Albany.

(6) On June 10, 2016, claimant voluntarily left work.

**CONCLUSIONS AND REASONS:** 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.

From claimant's testimony, it appeared that she moved to Albany principally for financial reasons, with the upcoming rent increase on July 1, 2016 being the motivating reason for the move. Audio at ~7:40. Since claimant secured a residence in Albany for \$995 per month and raised no objection to a housing expense of that magnitude, we infer that it did not impose an undue burden on her finances and allowed her sufficient disposable funds to meet her other financial commitments. Claimant presented no evidence that she was unable to secure minimally adequate affordable housing in Portland for \$995 per month or less. Claimant did not show that she even looked at apartments in the Portland area and reasonably ruled out that any of them rented for amounts that were within her budgetary constraints. Absent offering this or similar evidence, claimant did not meet her burden to show that objectively grave reasons led her to leave work when she did and move from Happy Valley to Albany.

Claimant did not show good cause for leaving work when she did. Claimant is disqualified from receiving unemployment insurance benefits.

**DECISION:** Hearing Decision 16-UI-64855 is affirmed.

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

**DATE of Service: September 1, 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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