

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0942-R**

*Request for Reconsideration Granted*  
*Appeals Board Decision 2016-EAB-0942 Adhered to on Reconsideration*

**PROCEDURAL HISTORY:** On June 6, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 142308). Claimant filed a timely request for hearing. On July 20, 2016, ALJ Frank conducted a hearing, and on July 29, 2016, issued Hearing Decision 16-UI-64725, affirming the administrative decision. On August 17, 2016, claimant filed an application for review with the Employment Appeals Board (EAB). On August 18, 2016, EAB issued Appeals Board Decision 2016-EAB-0942, affirming the hearing decision under review.

On August 29, 2016, EAB received a letter in which claimant asked that we reverse Appeals Board Decision 2016-EAB-0942. In response to claimant's letter, EAB will exercise its discretion under ORS 657.290(3) to address the issue raised by claimant's letter.

In Appeals Board Decision 2016-EAB-0942, we agreed with the ALJ's conclusion that claimant failed to demonstrate good cause for leaving work with her employer to accept an offer of work as a school bus driver. The ALJ's conclusion was based on a finding that at the time claimant quit her job for the employer, the offer of work she received was not definite, because it was contingent upon claimant completing a training program and obtaining her commercial driver's license. Hearing Decision 16-UI-64725 at 2. In her August 29 letter, claimant disagreed with the conclusion that she did not have good cause to leave work for the employer, explaining that the offer of work as a school bus drive she received provided her with an opportunity to work more hours and therefore receive more pay than she had received from the employer. Claimant asserted that "I find it hard to understand why my appeal was denied on the grounds of 'voluntary' withdrawal from my [position for the employer] my change was made for the betterment of my life style."

An individual who voluntarily leaves a job to accept an offer of employment has good cause for quitting only if the offer of work meets all of the following requirements: it must be definite, it must begin "in the shortest length of time as can be deemed reasonable under the individual circumstances," it must "reasonably be expected to continue," and it must pay an amount equal to or more than the weekly

benefit amount or the work left. OAR 471-0030-0038(5)(a) (August 3, 2011). Although claimant is correct in asserting that the work she was offered paid more than the work she had with the employer, the record shows (and claimant does not dispute) that the work she was offered was contingent on completing a training course and obtaining a commercial driver's license. Because the work offered claimant was not definite, it did not meet one of the requirements essential to establishing good cause under OAR 471-030-0038(5)(a).

For the above reason, EAB did not err in affirming the ALJ's conclusion that claimant voluntarily left work without good cause. Because we find no error of fact or law in EAB Decision 2016-EAB-0942 that would require correction, we adhere to that decision on reconsideration. *See* ORS 657.290(3) (reconsideration by EAB may include making a new decision "to the extent necessary and appropriate for the correction of a previous error of fact or law").

**DECISION:** Reconsideration is granted. Hearing Decision 16-UI-64725 is adhered to on reconsideration.

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

**DATE of Service:** August 31, 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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