

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0466**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 14, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 145018). The employer filed a timely request for hearing. On April 13, 2017, ALJ Amesbury conducted a hearing, and on April 14, 2017 issued Hearing Decision 17-UI-80978, affirming the Department's decision. On April 24, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB considered the employer's argument to the extent it was based upon the hearing record. We note that, although the employer provided a copy of claimant's resignation email with its application for review, that document was not offered or admitted into evidence at the hearing, and the employer has not shown that factors or circumstances beyond its reasonable control prevented it from offering the document into evidence at the hearing as required by OAR 471-041-0090 (October 29, 2006). Therefore, although the employer submitted information about the resignation into evidence during the hearing through testimony, and we considered that testimony in its entirety, we did not admit the resignation email into evidence or consider that document when reaching this decision.

**FINDINGS OF FACT:** (1) Arcadia Security and Patrol, Inc. employed claimant as a security guard from August 13, 2016 to January 10, 2017. Claimant earned \$540.00 per week from his work for the employer.<sup>1</sup>

(2) On January 3, 2017, Executive Security Services, Inc. extended claimant an offer of permanent full-time work with earnings ranging from \$720.00 to \$800.00 per week.<sup>2</sup> Claimant was also given the option of working additional hours at a lower rate of pay, at his discretion.

<sup>1</sup> 40 hours per week at \$13.50 per hour equals \$540.00 per week.

<sup>2</sup> 36 to 40 hours per week at \$20.00 per hour equals \$720.00 to \$800.00 per week.

(3) On January 3, 2017, claimant sent notice to the employer of his intent to quit work. He provided the employer with a false reason for resigning. Claimant last worked for the employer on January 10, 2017. On January 11, 2017, claimant began work with his new employer.

**CONCLUSIONS AND REASONS:** We agree with the Department and the ALJ that claimant voluntarily left work with good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless he proves, by a preponderance of the evidence, that he had good cause for leaving work when he did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). An individual who leaves work to accept an offer of other work has shown “good cause” if the offer of work is definite, pays more than the work left, begins in the shortest length of time reasonable under the circumstances, and is reasonably expected to continue. OAR 471-030-0038(5)(a) (August 3, 2011).

The parties disagreed at the hearing about the reason claimant quit work. Claimant testified that he quit work to accept an offer of other employment that paid more; the employer, citing to claimant’s resignation email, testified that claimant quit work due to a family matter and not because of a job offer. Claimant admitted during the hearing that he was not forthright with the employer about the reason he quit work for reasons he declined to explain. However, he twice affirmed that he had provided truthful and accurate testimony during the hearing, and the information he provided about the dates of the job offer, the name of the person who offered him the job, and the details of his employment with Executive Security Services, Inc. was so specific and detailed as to suggest that the information he provided was truthful. Claimant best knows his own subjective reasons for quitting work and was under no obligation to share those reasons, or any reasons, with the employer when he quit, but promptly admitted that he did not truthfully disclose his reason for quitting to the employer when asked at the hearing. For those reasons, we found claimant’s testimony truthful, and found facts about claimant’s reasons for leaving in accordance with his testimony.

There is no evidence suggesting that claimant’s offer of work from Executive Security Services, Inc. was either indefinite or was not reasonably expected to continue. The work, as offered, was expected to pay more than claimant’s work with the employer and began the day after claimant left his job with the employer, which was the shortest length of time reasonable under the circumstances. Under OAR 471-030-0038(5)(a), claimant therefore quit work with good cause to accept an offer of other work, and is not disqualified from receiving unemployment insurance benefits because of this work separation.

**DECISION:** Hearing Decision 17-UI-80978 is affirmed.

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

**DATE of Service:** May 9, 2017

**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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