

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0636**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On April 13, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # #94036). Claimant filed a timely request for hearing. On May 15, 2017, ALJ Murdock conducted a hearing, and on May 17, 2017, issued Hearing Decision 17-UI-83606, affirming the administrative decision. On May 24, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on information received into evidence at the hearing.

**FINDINGS OF FACT:** (1) On April 13, 2015, the Sunset Empire Transportation District hired claimant as a part time bus driver.

(2) In January 2017, the employer hired claimant as a relief payroll clerk, a position in which claimant would work only if the regular payroll clerk was absent. As a result, the job provided claimant with no guaranteed amount of work hours. The employer planned to train claimant for the relief payroll clerk position, but was unable to do so before claimant went on medical leave on February 7, 2017.

(3) On March 3, 2017, claimant's health care provider released him for light duty work. Claimant's Commercial Driver's License was suspended, however, due to problems with his vision, and claimant was unable to return to his work for the employer as a part time bus driver.

(4) On March 15, 2017, claimant met with the employer's human resources and payroll officer to discuss whether claimant wanted to continue in the position of relief payroll clerk. Claimant resigned from this position because the job provided him with no guarantee of work hours, and he needed and wanted to find a better paying job.

**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 receiving 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). “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). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P2d 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. For a claimant to have good cause to voluntarily leave work, the claimant must derive some benefit from leaving work. *Oregon Public Utility Commission v. Employment Dept.*, 267 Or App 68, 340 P3d 136 (2014).

Claimant quit his job as a relief payroll clerk because the job provided him with no guarantee of work hours, and he needed and wanted to find a job that paid him more. While we understand claimant’s concern about a job in which he would be working only in the rare situation when the payroll clerk was absent and unable to prepare one of the 52 payrolls a year that the employer issued, we disagree with his opinion that it was “not beneficial” for him or the employer to continue in this position. Had he kept the job as relief payroll clerk, claimant would have had ample time to look for better paying work. Claimant derived no benefit from leaving a position that offered him the possibility of *some* work, and accepting a situation that offered him *no* work. Claimant therefore failed to demonstrate good cause for voluntarily leaving work. He is disqualified from the receipt of unemployment benefits on the basis of this work separation.

**DECISION:** Hearing Decision 17-UI-83606 is affirmed.

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

**DATE of Service:** June 15, 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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