

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0847

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 23, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 92405). Claimant filed a timely request for hearing. On June 26, 2017, ALJ Janzen conducted a hearing, and on June 27, 2017, issued Hearing Decision 17-UI-86653, affirming the Department's decision. On July 14, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Alaska Airlines, Inc. (Alaska) employed claimant as a customer service representative from May 16, 1998 to April 7, 2017. Claimant's wage was \$24.81 per hour, which was the highest wage for her position, and she worked forty hours per week.

(2) In August 2016, claimant applied for a position as a flight attendant with Southwest Airlines (Southwest). In September 2016, Southwest offered claimant the position, contingent on successfully completing two weeks of unpaid training in Texas, which was to begin sometime in April 2017. If the training was successfully completed, the new job was scheduled to begin on April 28, 2017. The new job paid \$22.00 per hour as a starting wage with the wage increasing to 26.00 per hour after one year and up to \$50.00 per hour in the future. Southwest also offered employees a better benefit package and retirement pay. Claimant accepted the job offer in September 2016, even though she knew it "was a little bit of a gamble," but continued to work for the employer after doing so because her training had not been scheduled. Audio Record ~ 13:00 to 13:20.

(3) In February 2017, Southwest advised claimant that her job training was scheduled for April 10 to 24, 2017, in Dallas-Fort Worth, Texas.

(4) In March 2017, claimant gave the employer three weeks' notice of her intent to quit, effective April 7, 2017, which is when claimant quit work.

(5) On April 10, 2017, claimant began her training with Southwest, but on April 21, 2017, she failed one of the required tests and Southwest withdrew its job offer.

CONCLUSIONS AND REASONS: We agree with the ALJ. Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless she (or he) 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). If an individual quits a job to accept an offer of other work, the individual has good cause for leaving only if the offer of work is definite and will begin in the shortest length of time possible under the circumstances. In addition, the new job must pay either an amount equal to or in excess of the weekly benefit amount or an amount greater than the work left. OAR 471-030-0038(5)(a) (August 3, 2011).

On April 7, 2017, claimant quit work to accept a job with Southwest, contingent on her successfully completing its training. Claimant understood that quitting work under those circumstances was “a little bit of a gamble” but did so because she believed she would successfully complete the training and the new job offered better pay over the long-term and better benefits and retirement. Unfortunately for claimant, she failed one the training tests and Southwest rescinded its job offer. Because the job with Southwest was not “definite” when she quit work with the employer on April 7, 2017, claimant quit work without good cause under OAR 471-030-0038(5)(a).

Claimant voluntarily left work on April 7, 2017 without good cause. Accordingly, she is disqualified from receiving unemployment insurance benefits until she has earned at least four times her weekly benefit amount from work in subject employment.

DECISION: Hearing Decision 17-UI-86653 is affirmed.

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

DATE of Service: August 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. 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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