

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1077**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On July 17, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 71524). Claimant filed a timely request for hearing. On September 5, 2017, ALJ Meerdink conducted a hearing, and on September 6, 2017 issued Hearing Decision 17-UI-91931, affirming the Department's decision. On September 11, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Medical Management International employed claimant, last as a client financial service coordinator, from May 5, 2014 to June 23, 2017.

(2) Claimant resided in Gresham, OR, and until June 27, 2016 worked at the employer's office in NE Portland, OR. Her commute from Gresham to and from the NE Portland office was about "20 minutes each way." Audio Record ~ 8:00 to 8:30. However, on June 27, 2016, the employer's office at which claimant worked was moved to SE 6<sup>th</sup> Way in Vancouver, WA. Claimant's commute from Gresham to and from the Vancouver office was about "an hour plus" to get there and about 90 minutes to get home, "depending on traffic." Audio Record ~ 9:00 to 9:45. To accommodate claimant with regard to her commute, beginning in October 2016, the employer delayed her start time 30 minutes to give her extra time to report for work.

(3) By June 2017, despite the employer's accommodation, claimant decided that the longer commute to and from work was requiring extra time and fuel for her personal vehicle and was "creating an issue." Audio Record ~ 11:15 to 11:30. On June 13, 2017, claimant gave the employer two weeks' written notice that she was quitting work because "the commute to Vancouver was becoming too problematic." Audio Record ~ 4:45 to 5:10. Claimant quit work for that reason on June 23, 2017.

**CONCLUSIONS AND REASONS:** We agree with the ALJ. Claimant failed to establish she quit work with 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). “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 the employer for an additional period of time.

Claimant left work when she did because she believed her commute had become “too problematic” due to the extra fuel and time it required. However, it does not appear on this record that claimant’s commute, even one that cost more time and money for fuel, amounted to a situation of such gravity than a similarly situated reasonable and prudent person would conclude there was no reasonable alternative but to quit work. Generally speaking, to establish good cause for leaving a job a claimant “must derive some benefit from leaving work.” *See accord Oregon Public Utility Commission v. Employment Dep’t.*, 267 Or App 68, 340 P.3d 136 (2014). To the extent claimant derived a benefit from quitting because doing so eliminated her commute, she failed to show why her 60-90 minute commute to and from work was so grave that no reasonable and prudent person would continue to work in a job that entailed such a commute. She had, previously, demonstrated her willingness to commute the distance in question for approximately one year, and did not assert or show that the cost of her commute exceeded the remuneration she received working for the employer. Nor did claimant show that her commute otherwise created such a grave circumstance for her, beyond “creating an issue” that was not described with any specificity, that the benefit she derived by eliminating her commute, at the expense of her source of income, was the sort of legally significant benefit that, in and of itself, that would support a finding of good cause.

For the foregoing reasons, we conclude that claimant failed to establish she quit work with good cause. Claimant is therefore 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-91931 is affirmed.

J. S. Cromwell and D. P. Hettle.

**DATE of Service:** October 6, 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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