

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0421

Affirmed
No Disqualification

PROCEDURAL HISTORY: On March 21, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 124703). The employer filed a timely request for hearing. On April 25, 2018, ALJ Seideman conducted a hearing and issued Order No. 18-UI-108095, affirming the Department's decision. On April 27, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) St. Charles Health System, Inc. employed claimant from March 2015 until March 2, 2018 as a scheduler in Bend, Oregon.

(2) Claimant and her husband had lived in Bend for more than 30 years, and rented a house there for \$1,350 per month, plus utilities. Claimant's husband was disabled and unable to work. In January 2018, claimant's landlord sent her and her husband notice that the landlord would not be renewing the lease for the rental house and that their tenancy would end on March 3, 2018.

(3) Claimant was unable to find affordable housing in Bend or the surrounding areas of Prineville, Madras or LaPine. They encountered six-month to one-year waiting lists for apartments. Claimant had family in the Bend area, but claimant and her husband were not able to live with them.

(4) Claimant found an affordable rental in Newport, Oregon for \$1,200 per month, including utilities. The employer does not have a facility in Newport.

(5) On March 2, 2018, claimant quit work with the employer to move 170 miles to Newport and avoid homelessness. On March 3, 2018, claimant moved to Newport.

CONCLUSIONS AND REASONS: Claimant quit work with good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless she 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 her employer for an additional period of time.

The employer provided no evidence at hearing, and the facts are not in dispute. Claimant faced a grave situation because she had to leave her rental by March 3, 2018, and was not able to find affordable other housing in or reasonably near Bend, where her job with employer was located. Claimant was able to secure affordable housing in Newport, Oregon. The record shows that claimant did not have a reasonable alternative to quitting when she did. She was unable to find housing in or near Bend, including with family. Homelessness is not a reasonable alternative. Newport is too far from Bend for claimant to commute for work. Claimant worked as long as was reasonable under the circumstances by working until the day her rental tenancy ended in Bend. No reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would continue to work if that meant she would become homeless. Claimant therefore showed that she quit work with good cause, and she is not disqualified from receiving unemployment insurance benefits because of this work separation.

DECISION: Order No. 18-UI-108095 is affirmed.

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

DATE of Service: May 30, 2018

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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