

EMPLOYMENT APPEALS BOARD DECISION
2020-EAB-0598

Affirmed
Disqualification

PROCEDURAL HISTORY: On June 16, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause and was disqualified from receiving regular unemployment benefits effective August 25, 2019 (decision # 55230). On July 1, 2020, claimant filed a timely request for hearing. On August 3, 2020, ALJ Williams conducted a hearing, and on August 4, 2020 issued Order No. 20-UI-152830, affirming decision # 55230. On August 10, 2020, claimant filed an application for review with the Employment Appeals Board (EAB). On September 3, 2020, claimant filed a second application for review with EAB. On September 22, 2020, EAB received claimant's first, timely filed, August 10, 2020 application for review.

ACKNOWLEDGEMENT OF APPLICATION FOR REVIEW: Under OAR 471-041-0075, EAB is required to "notify all parties promptly by mail or electronic means" when EAB receives a valid and timely application for review. EAB did not provide such notice in this case because parties are not entitled to notice of untimely applications for review, and on initial review, it appeared that claimant's (September 3rd) application for review was untimely. Because it now appears that claimant actually filed a *timely* application for review on August 10th, the parties are entitled to notice. Pursuant to OAR 471-041-0075, this document therefore serves as notice to the parties that EAB has received a timely and valid application for review of Order No. 20-UI-152830.

EAB's acknowledgement notice typically includes reference to OAR 471-041-0080, Presentation of Argument. That rule provides, in pertinent part:

(1) Parties may submit written argument within 20 days of the date that EAB provides the notice required by OAR 471-041-0075.

(2) A party's written argument will not be considered unless it:

(a) Includes a statement that a copy was provided to the opposing party or parties.
Example: “I declare that on [date] I sent a copy of this document to the opposing party, addressed as follows: ABC Company, [description of sending method].”

(b) Is received within the time allowed.

(3) Written argument may be delivered in person, or sent by mail or other carrier, fax, or electronic means. EAB will make copies of any arguments received available to the Oregon Employment Department by electronic means.

All parties to this case have the right to present written argument to EAB; if any party does so, EAB will reconsider this decision pursuant to ORS 657.290(3). All written arguments are due within 20-days of the “DATE of Service” printed on page 3 of this decision. See OAR 471-041-0080(1). EAB will not reconsider this case if written arguments are not filed within the specified period, or if the timely-filed written arguments do not comply with OAR 471-041-0080(2)(a) and (b).

FINDINGS OF FACT: (1) Synergy Women’s Health Care, LLC employed claimant from June 1, 2014 to August 25, 2019.

(2) Claimant was accepted into a nursing program at Mount Hood Community College. On August 11, 2019, claimant notified the employer of her intent to quit her job in two weeks in order to attend college.

(3) On August 25, 2020, claimant quit her job to attend college. Claimant was not required by law to attend college.

CONCLUSIONS AND REASONS: Claimant voluntarily left work without good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless they prove, by a preponderance of the evidence, that they had good cause for leaving work when they did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). Leaving work without good cause includes “[l]eaving to attend school, unless required by law.” See OAR 471-030-0038(5)(b)(D).

Claimant quit her job with the employer to attend college, and was not required by law to attend. Claimant therefore quit her job with the employer without good cause.

Because claimant quit her job with the employer without good cause, claimant must be disqualified from receiving regular unemployment insurance benefits based on this work separation until she requalifies for regular benefits under Employment Department law.

Claimant submitted a written statement on her September 3rd application for review, stating that the reason she filed for unemployment insurance benefits was that she had finished school, she and her husband had to relocate because of her husband’s job, and she has since been unable to find work because of COVID-19. This denial is confined to claimant’s disqualification from regular unemployment insurance benefits because of this work separation. Claimant might be eligible for benefits under one of the Department’s other unemployment insurance benefit programs, however,

which are specifically designed to provide temporary income replacement for individuals unemployed due to the COVID-19 pandemic. If the parties have questions about benefits or eligibility for alternative benefit programs, they may contact the Department; the Department's "Contact Us" form is available at: <https://unemployment.oregon.gov/contact-us>.

DECISION: Order No. 20-UI-152830 is affirmed.

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

DATE of Service: September 24, 2020

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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



Understanding Your Employment Appeals Board Decision

English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyon.

Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

Khmer

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນໍາຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນໍາສານອຸທອນລັດ Oregon ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນຫ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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