

**EMPLOYMENT APPEALS BOARD DECISION**  
**2021-EAB-0566**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On November 12, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving unemployment insurance benefits effective January 26, 2020 (decision # 91509). Claimant filed a timely request for hearing. On June 22, 2021, ALJ Amesbury conducted a hearing and issued Order No. 21-UI-169252, affirming decision # 91509.<sup>1</sup> On July 8, 2021, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Greensprings Farm, Inc. employed claimant as a laborer during the fall and spring seasons from March 5, 2018 to January 31, 2020.

(2) While working for the employer, claimant attended a master's degree program at Southern Oregon University (SOU). At all times, claimant hoped to find a permanent job working in the area that was the subject of his master's degree. Claimant worked for the employer during the school year, and then transitioned to a seasonal mountain guide position during the late spring and summer months with a different employer.

(3) In December 2019, SOU offered claimant a part-time instructor position related to his field of study that would begin in mid-February 2020 and continue through SOU's ten-week spring 2020 term. Claimant accepted the position. Later that month, claimant graduated with a master's degree from SOU.

(4) Prior to January 15, 2020, while claimant "was in the process of looking for jobs," he asked the employer for a raise and for additional work hours. Audio Record at 13:07. The employer offered claimant a raise from \$14 per hour to \$15 per hour, but no additional work hours. In addition, claimant's friend offered claimant a two-month temporary job helping the friend "build out" the friend's van.

<sup>1</sup> Order No. 21-UI-169252 stated that the hearing in this case occurred on "May 26, 2021." Order No. 21-UI-169252 at 1. The reference to "May 26, 2021" is assumed to be a typographical error.

Audio Record at 14:42. Claimant was interested in the van job because it had a flexible schedule. Audio Record at 13:30.

(5) On or about January 15, 2020, claimant gave the employer two weeks' notice of his intent to quit so that he could focus on finding a permanent job in the subject area of his master's degree and to accept the temporary SOU instructor position and the temporary van job. If claimant was unable to find a permanent job prior to the conclusion of the temporary SOU and van jobs, claimant planned to work as a mountain guide again.

(6) On January 31, 2020, claimant quit his job with the employer. Claimant immediately started working for his friend on the temporary van job after leaving the employer.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit working for the employer 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). "Good cause . . . is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work." OAR 471-030-0038(4) (September 22, 2020). "[T]he reason must be of such gravity that the individual has 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 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for their employer for an additional period of time.

Leaving work without good cause includes, but is not limited to, leaving suitable work to seek other work. OAR 471-030-0038(5)(b). If an individual leaves work to accept an offer of other work good cause exists only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay 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).

The record demonstrates that claimant decided to quit his employment for two reasons. First, claimant desired to find a permanent job in his master's field of study. However, leaving suitable work to seek other work does not constitute good cause to quit. The only evidence in the record suggesting that claimant's job with the employer was not suitable was claimant's general dissatisfaction with the pay and hours he was receiving. However, claimant was offered a pay raise just before he quit, and the record does not show that the number of hours claimant received from the employer made his job unsuitable. Likewise, the record does not show that the employer's work posed a risk to claimant's health, safety, or morals; required more experience than claimant possessed; or otherwise was not suitable as that term is defined by ORS 657.190.<sup>2</sup> As such, claimant's decision to leave suitable work to seek other work did not constitute good cause to voluntarily leave his job with the employer.

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<sup>2</sup> ORS 657.190 provides: "In determining whether any work is suitable for an individual, the . . . Department shall consider, among other factors, the degree of risk involved to the health, safety and morals of the individual, the physical fitness and prior training, experience and prior earnings of the individual, the length of unemployment and prospects for securing local

Second, claimant quit work to accept the temporary SOU instructor and van jobs, which he believed were better suited than his work with the employer to help him find a permanent job. However, to establish good cause to leave work to accept an offer of other work, a claimant must show, among other things, that the other work is reasonably expected to continue. Here the preponderance of the evidence shows that both the SOU instructor position and the van job were temporary in nature, with neither reasonably expected to continue beyond the spring of 2020. Similarly, claimant's mountain guide job was a temporary employment opportunity that was not reasonably expected to continue beyond the summer of 2020. As such, claimant failed to establish good cause to quit his employment because none of the offers of other work he received were reasonably expected to continue.

Claimant voluntarily quit his employment without good cause and he therefore is disqualified from receiving unemployment insurance based on his work separation.

**DECISION:** Order No. 21-UI-169252 is affirmed.

S. Alba and D. Hettle;  
A. Steger-Bentz, not participating.

**DATE of Service:** August 12, 2021

**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](https://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.

**NOTE:** This decision denies payment of your Unemployment Insurance (UI) benefits.

However, you may be eligible for Pandemic Unemployment Assistance (PUA) benefits for the period you are not eligible for other benefits as long as you are unable to work, unavailable for work, or unemployed due to the COVID-19 public health emergency. PUA is a new unemployment benefits program available through the Oregon Employment Department in response to the COVID-19 pandemic.

Visit <https://unemployment.oregon.gov> for more information, to apply for PUA, or to contact the Oregon Employment Department using the "Contact Us" form. You can also apply for PUA by calling 1-833-410-1004, but please be aware that the PUA staff cannot answer questions about this decision that denies payment of regular Unemployment Insurance (UI) benefits.

**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>.

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work in the customary occupation of the individual and the distance of the available work from the residence of the individual."

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 desisyong ito.

## 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 ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

**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 الإستئناف 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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.