

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-0237**

*Reversed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On November 24, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective October 10, 2021 (decision # 112902). Claimant filed a timely request for hearing. On January 27, 2022, ALJ Demarest conducted a hearing and issued Order No. 22-UI-185019, affirming decision # 112902. On February 15, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered claimant's written argument to the extent it was based on the record.

**FINDINGS OF FACT:** (1) National Resource Center on Domestic Violence (NRCDV) employed claimant in Portland, Oregon as a digital communications specialist until Friday, October 15, 2021.

(2) Before September 28, 2021, a new employer provided claimant with a signed offer letter for full-time, year-round, permanent employment to begin on Monday, October 25, 2021. The offered work was to be a hybrid of working in an office in Portland and teleworking from claimant's home. The offered work was going to pay an annual salary of \$80,000, which was more than what claimant earned at NRCDV, where claimant earned \$25.25 per hour. Claimant signed the offer letter with the new employer.

(3) On September 28, 2021, claimant gave NRCDV notice that she planned to quit work on October 15, 2021 to accept the offer of other work from the new employer.

(4) Claimant's start date with the new employer was October 25, 2021. Claimant's start date was not during the week immediately after claimant left work with NRCDV because claimant needed a "break" due to having completed the job search process with the new employer and the "intense" nature of the work she left at NRCDV. Audio Record at 22:13. During the week after claimant left NRCDV, claimant was "getting personal affairs in order" and completing elements of the new employer's onboarding

process. Audio Record at 22:57. Claimant completed onboarding activities such as receiving the computer and other physical technology claimant would need for teleworking, and completing her health insurance paperwork through the new employer.

(5) At 4:00 p.m. on Friday, October 22, 2021, the new employer told claimant that it was rescinding its job offer to claimant due to “unexpected financial issues.” Audio Record at 24:27.

(6) Claimant’s weekly benefit amount was “around \$430.” Audio Record at 32:15.

**CONCLUSIONS AND REASONS:** Claimant quit work with 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.

A claimant who leaves work to accept an offer of other work “has left work with good cause 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 [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).

Order No. 22-UI-185019 concluded that claimant left work at NRCDV to accept an offer of other work, that the offer of other work that claimant accepted was definite and reasonably expected to continue, and that it would pay an amount equal to or in excess of the weekly benefit amount or an amount greater than the work left. Order No. 22-UI-185019 at 2. The record supports these conclusions. However, Order No. 22-UI-185019 also concluded that claimant did not leave work with good cause because, it reasoned, the offered work was not to begin in the shortest length of time as could be deemed reasonable. Order No. 22-UI-185019 at 2. The record does not support this conclusion.

The record shows that the work claimant expected to begin on October 25, 2021 was “to begin in the shortest length of time as can be deemed reasonable under the individual circumstances.” OAR 471-030-0038(5)(a). Although claimant was not scheduled to begin work immediately after she left work at NRCDV, the record shows that claimant needed time before she began her new job due to the intense nature of her job at NRCDV and to get her personal affairs in order. Moreover, the record shows that, although claimant characterized the week between when she left work at NRCDV and was scheduled to start her new job as a “break,” claimant did, in fact, engage in activities related to her new job during that week. She prepared for her new job by receiving teleworking equipment, and engaged in other onboarding activities such as completing health insurance application materials. Thus, claimant was not wholly on a “break” during that time. Rather, claimant was preparing to begin her new job. The record

therefore shows that claimant's scheduled start date was the shortest length of time as could be deemed reasonable under claimant's individual circumstances.

The record shows that per the criteria established in OAR 471-030-0038(5)(a), claimant left work for good cause and is therefore not disqualified from receiving unemployment insurance benefits based on this work separation.

**DECISION:** Order No. 22-UI-185019 is set aside, as outlined above.

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

**DATE of Service:** April 21, 2022

**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.

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# 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

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## 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 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**  
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