

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-1070**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On September 13, 2022, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits effective August 21, 2022 (decision # 105308). Claimant filed a timely request for hearing. On October 10, 2022, ALJ Scott conducted a hearing, and on October 11, 2022, issued Order No. 22-UI-204789, affirming decision # 105308. On October 22, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Asante Physician Partners employed claimant as a licensed practical nurse from December 10, 2018, until August 25, 2022.

(2) The employer has locations only in southern Oregon and claimant worked in Medford.

(3) Claimant began a relationship with her significant other in February 2022. He had lived in Battle Ground, Washington for twenty-seven years.

(4) Claimant's mother lived in Portland and operated a printing business with her husband, claimant's stepfather. In the summer of 2022, claimant's mother suffered an eye problem for which she was awaiting treatment. On June 1, 2022, claimant's stepfather died. Claimant's daughter, who lived in Salem, frequently visited claimant's mother to assist in running the business and with other needs following her husband's death. Claimant's mother was capable of caring for herself despite her medical condition.

(5) In July 2022, claimant decided to move to Battle Ground to be closer to her significant other. Secondly, this would also allow her to be closer to her mother in Portland, as claimant was concerned over her eye condition and wished to assist in settling her stepfather's affairs.

(6) In planning her move, claimant inquired of the employer if she could work remotely from Battle Ground. The employer denied the request based on business need. She did not request a leave of absence and did not report any need to care for her mother to the employer. Claimant obtained licensure as an LPN in Washington shortly before her move and intended to seek other work there.

(7) On August 1, 2022, claimant gave written notice to her employer that she was resigning, effective August 25, 2022. Claimant worked the entire notice period. The employer told claimant that she would be welcomed back if things did not work out with the move to be with her significant other.

**CONCLUSIONS AND REASONS:** Claimant voluntarily quit 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). “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).

Under OAR 471-030-0038(5)(g), leaving work with good cause includes, but is not limited to, leaving work due to compelling family reasons. “Compelling family reasons” is defined under OAR 471-030-0038(1)(e) in relevant part as follows:

(B) The illness or disability of a member of the individual’s immediate family necessitates care by another and the individual’s employer does not accommodate the employee’s request for time off; or

(C) The need to accompany the individual’s spouse or domestic partner;

(i) To a place from which it is impractical for such individual to commute;  
and

(ii) Due to a change in location of the spouse’s or domestic partner’s employment.

Here, claimant cited two potentially compelling family reasons for leaving her job to move to Battle Ground, Washington. First, she wished to live closer to her significant other to advance that relationship. Claimant testified that she had been dating her significant other for approximately six months prior to giving notice of her resignation. Transcript at 5-6. The record does not show that claimant is married to or in a registered domestic partnership with her significant other. Further, she denied any recent change in the significant other’s residence or employment. Transcript at 5. Because the significant other was not a spouse or domestic partner, and the location of his employment had not changed, this reason for the move and claimant’s resignation does not meet the definition of a “compelling family reason.”

Claimant’s second reason for quitting was to live closer to her mother out of concern for her mother’s health and the recent loss of her husband. She testified her mother was diagnosed with a detached retina

“a few months ago” and that she was “still waiting to get an appointment” to have it treated. Transcript at 12. Claimant denied that her mother was “disabled” as a result of this condition. Transcript at 5. She continued to operate a printing business despite the condition. Transcript at 19. Claimant denied being advised by a doctor to stop working to care for her mother. Transcript at 15. Claimant’s daughter, who lives in Salem, traveled to Portland to assist claimant’s mother either “a couple times a week” or “almost daily,” according to claimant’s testimony. Transcript at 17, 19. The record demonstrates that claimant’s mother was capable of caring for herself and her business, and was receiving sufficient support from her granddaughter. Claimant did not request a leave of absence from the employer to care for her mother. Transcript at 14. Because claimant did not request such leave from her employer claimant quitting work to live closer to her mother does not meet the definition of a “compelling family reason.”

Although moving to be nearer to her significant other and to live closer to her mother may have been personally compelling to claimant, claimant did not meet her burden that quitting her job to move to Battle Ground was of such gravity that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, had no reasonable alternative but to quit work when they did.

Therefore, claimant voluntarily left work without good cause and is disqualified from receiving benefits effective August 21, 2022.

**DECISION:** Order No. 22-UI-204789 is affirmed.

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

**DATE of Service: December 29, 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

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 ໄດ້ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

**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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