

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0556

Affirmed
No Disqualification

PROCEDURAL HISTORY: On May 1, 2024, 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 benefits effective March 3, 2024 (decision # L0003801793). Claimant filed a timely request for hearing. On July 3, 2024, ALJ Janzen conducted a hearing, and on July 5, 2024, issued Order No. 24-UI-258202, reversing decision # L0003801793 by concluding that claimant quit with good cause and was not disqualified from receiving benefits based on the work separation. On July 25, 2024, the employer filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant and the employer both submitted written arguments. EAB considered the employer's argument when reaching this decision. Claimant's argument contained information that was not part of the hearing record, and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's argument to the extent it was based on the record.

Much of the employer's written argument focused on the question of whether the circumstances which led claimant to quit were grave, and whether she had reasonable alternatives to quitting. Those questions are addressed in the analysis, below. The employer also asserted in their written argument that "[t]he ALJ erred in failing to consider the suitability of [claimant's] prior work," suggesting that this matter requires an analysis of whether the work that claimant left was suitable under ORS 657.190. Employer's Written Argument at 7-9. This assertion is misplaced. OAR 471-030-0038(5)(b)(A) (September 22,

2020) specifically identifies “leaving suitable work to seek other work” as a reason for leaving work that does not constitute good cause. Had claimant left work to seek other work, an analysis of whether the work she left was considered suitable under ORS 657.190–195 would be required in order to determine whether claimant had good cause for quitting. However, as explained in the Findings of Fact and Conclusions and Reasons, below, claimant did not leave work to seek other work. Instead, claimant left work to join her soon-to-be-spouse in a different state. While claimant may well have intended to seek work once she arrived, that was not the reason that she quit. Therefore, it is not necessary to determine whether claimant’s work for the employer was suitable.

FINDINGS OF FACT: (1) Central Oregon Inter-Governmental Council employed claimant as an employment counselor from October 7, 2014, until March 7, 2024. Claimant worked at the employer’s facility in Madras, Oregon, and rented a home in the same area.

(2) In or around late 2021, claimant began a long-distance relationship with a romantic partner, now her fiancé, who lived and owned a home in Rathdrum, Idaho. Rathdrum is located approximately 400 miles, about a six-hour drive, from Madras. During that time period, claimant regularly travelled between Madras and Rathdrum to spend time with her fiancé.

(3) Claimant and her partner eventually became engaged to be married and decided to live together. The couple set an initial date of June 22, 2024, for their wedding.¹ Because claimant’s fiancé owned his home, and lived in a lower cost-of-living area, and because of the time and expenses involved in regular travel between the two cities, claimant decided to move to Rathdrum.

(4) After deciding to move, claimant requested that the employer allow her to continue her job remotely from Rathdrum. However, the employer could not accommodate claimant’s request. Additionally, the employer had no work locations outside of central Oregon to which claimant could have transferred.

(5) On February 6, 2024, claimant notified the employer that she intended to quit, effective March 7, 2024. Claimant had initially intended to quit earlier, but the employer requested that claimant move back her last day of work because the employer “was in the middle of hiring,” and the employer wanted claimant to stay until they had hired additional employees. Audio Record at 10:40. Claimant also asked the employer if she could stay until the new hires were trained, but the employer did not allow her to do so. On March 7, 2024, claimant voluntarily quit working for the employer to move to Rathdrum, move in with her fiancé, and finish preparations for their upcoming wedding. On March 11, 2024, claimant moved to Rathdrum as planned.

CONCLUSIONS AND REASONS: Claimant voluntarily 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). “[T]he reason must be of such gravity that the individual

¹ After moving to Idaho, claimant and her fiancé postponed their wedding to mid-August 2024 due to a family member’s health issues. As such, claimant’s partner is referred to as “fiancé” for the remainder of this decision, as the wedding has presumably not yet taken place.

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).

Claimant voluntarily quit work to move from Oregon and live with her fiancé in Idaho, whom she intended to marry in approximately three months’ time. Claimant and her fiancé had, at that point, been together for over two years. As such, this was not a newly formed or casual relationship. A reasonable and prudent person, faced with their own upcoming wedding to a long-term partner with whom they do not currently live, would generally choose to move in with their soon-to-be spouse rather than continue to live separately for an indefinite period of time. Additionally, a reasonable and prudent person, currently renting a home in a higher cost-of-living area, would generally choose to move in with their soon-to-be-spouse who already owns a home in a lower cost-of-living area. Conversely, it would not have been reasonable to expect claimant to continue living by herself, apart from her spouse, for an indefinite period of time.

Additionally, while the timing of claimant’s move to Idaho was presumably her own choice, the record supports the conclusion that she moved (and, consequently, left work) at a time that was most suitable not only for her and her fiancé, but the employer as well. The record shows that claimant had initially intended to move to Idaho earlier, but that the employer requested that she push back her last day of work so that they could complete a round of hiring. It is not clear what positions the employer was hiring for, but the fact that the employer wished claimant to stay until hiring was complete, and the absence of any indication that claimant was herself responsible for hiring new employees, suggests that the hiring was for one or more additional employment counselors. As such, more likely than not, the employer requested claimant to stay until they were able to fill claimant’s own soon-to-be-vacant position. Thus, while claimant may not have needed to move to Idaho three months before the planned wedding in order to finalize wedding planning, her choice to quit and move when she did was informed by the employer’s staffing needs as well as her own personal considerations. Furthermore, claimant specifically asked the employer if she could continue working for them until the new hires were trained, but the employer did not allow her to do so. A reasonable and prudent person, intending to move for personal reasons, would have made reasonable efforts to work with their employer to depart at a time that is mutually beneficial for both parties, and likewise would not have attempted to stay longer in a position than their employer permitted.

Claimant’s choice to leave at the time she did, as explained above, comported with what a reasonable and prudent person would have done in similar circumstances. Further, claimant had no reasonable alternative but to quit work. As the employer’s facility was located approximately 400 miles away from where claimant moved, commuting to and from work between the two cities would not have been reasonable. Likewise, the employer did not grant claimant’s request to work remotely from Idaho, and the employer had no other facilities outside of the central Oregon area to which claimant might have been able to transfer.

Because claimant quit work for a reason of such gravity that she had no reasonable alternative but to quit, claimant quit with good cause, and is not disqualified from receiving unemployment insurance benefits based on the work separation.

DECISION: Order No. 24-UI-258202 is affirmed.

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

DATE of Service: August 8, 2024

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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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 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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