

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0632**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 22, 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 benefits effective January 12, 2020 (decision # 82418). On November 11, 2020, decision # 82418 became final without claimant having filed a request for hearing. On May 17, 2022, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on August 24, 2022, issued Order No. 22-UI-201218, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by September 7, 2022.

On September 6, 2022, claimant filed a timely response to the appellant questionnaire. On April 11, 2024, notice was mailed to the parties that a hearing was scheduled for April 24, 2024. Claimant failed to appear at the hearing, and on April 24, 2024, ALJ Christon issued Order No. 24-UI-252866, dismissing claimant's late request for hearing due to her failure to appear. On May 6, 2024, claimant filed a timely request to reopen the April 24, 2024, hearing. On July 15, 2024, ALJ S. Lee conducted a hearing, and on August 22, 2024, issued Order No. 24-UI-263475, allowing claimant's request to reopen and claimant's late request for hearing, and affirming decision # 82418 on the merits. On August 30, 2024, claimant filed an application for review of Order No. 24-UI-263475 with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. EAB agrees with the portions of Order No. 24-UI-263475 allowing claimant's request to reopen and late request for hearing. Pursuant to ORS 657.275(2), those portions of Order No. 24-UI-263475 are **adopted**. The rest of this decision addresses the work separation.

**WRITTEN ARGUMENT:** EAB did not consider claimant's written argument when reaching this decision because she did not include a statement declaring that she provided a copy of her argument to the opposing party or parties as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**FINDINGS OF FACT:** (1) Opsins Architecture, LLP employed claimant as a junior interior designer in Portland, Oregon from September 11, 2017, until January 17, 2020.

(2) In December 2019, claimant decided to move to New York to “further [her] career there.” Transcript at 15. Claimant did not have an offer of employment in New York but believed that moving there before securing one was necessary because employers in her field would not consider an out-of-state applicant.

(3) Claimant notified the employer more than two weeks prior to January 17, 2020, that she was resigning, effective January 17, 2020. The employer had been satisfied with claimant’s work and had no plans to discharge her. Claimant stopped working for the employer on January 17, 2020, and moved to New York “a day or two” later. Transcript at 16. Claimant did not have an offer of other employment when her resignation became effective. Claimant left New York for Oklahoma approximately one month later without having received any job offers.

**CONCLUSIONS AND REASONS:** Claimant 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). 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. Per OAR 471-030-0038(5)(b)(A), leaving work without good cause includes “[l]eaving suitable work to seek other work.”

Claimant voluntarily quit working for the employer to seek other work in New York. Claimant and the employer suggested that had claimant not resigned when she did, her employment might have been put in jeopardy later that year once the economic effects of the COVID-19 pandemic became widespread. *See* Transcript at 17, 19. However, this could not have been predicted by the parties in December 2019 or January 2020 and played no role in claimant’s decision to quit. Claimant did not assert that her work for the employer was unsuitable in any way, or that her decision to quit was motivated by anything other than a desire to advance her career by moving to New York and seeking other work there. Claimant testified that she did not have an offer of other employment either before giving notice of her resignation or at the time her resignation became effective on January 17, 2024. Transcript at 15. Therefore, the good cause analysis is governed by OAR 471-030-0038(5)(b)(A). Accordingly, under that provision of the rule, claimant left suitable work to seek other work, and therefore quit work without good cause.

For these reasons, claimant quit work without good cause and is disqualified from receiving benefits effective January 12, 2020.

**DECISION:** Order No. 24-UI-263475 is affirmed.

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

**DATE of Service: September 23, 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](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**

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**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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