

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0687**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On June 25, 2024, 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 June 9, 2024 (decision # L0004741962).<sup>1</sup> Claimant filed a timely request for hearing. On September 3, 2024, ALJ Rackstraw conducted a hearing, and on September 6, 2024, issued Order No. 24-UI-265176, modifying decision # L0004741962 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective June 2, 2024. On September 26, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Malheur County School District employed claimant as an instructional assistant from October 18, 2022, until June 4, 2024. Claimant worked only during the school year, three days per week, six hours per day. The employer's summer recess began on June 6, 2024, and continuing work was available to claimant during the 2024-2025 school year on the same terms as in the previous school year.

(2) Claimant requested work from the employer through the summer recess, but the employer did not have work available for her. Claimant intended to find other part-time work through the summer, and to complete some community college courses in which she had been enrolled.

(3) By early June 2024, claimant's husband had planned to move to California for work. Claimant planned to eventually join him there after completing the community college courses and selling their house in Oregon.

---

<sup>1</sup> Decision # L0004741962 stated that claimant was denied benefits from June 9, 2024, to June 7, 2025. However, that end date is not correct because ORS 657.176 states that a disqualification from benefits continues until the individual has earned, after the week in which the disqualification began, four times their weekly benefit amount in subject employment. See ORS 657.176(2). For this reason, the decision should have stated that claimant was disqualified from receiving benefits beginning June 9, 2024, and until she earned four times her weekly benefit amount in subject employment.

(4) On June 4, 2024, claimant gave the employer notice of her resignation, with immediate effect. Claimant resigned because she wanted to find other part-time work during the summer, to complete her community college coursework, and because she planned to move to join her husband prior to the start of the 2024-2025 school year and did not want to inconvenience the employer by quitting closer to the start of the school year.

(5) On or around June 15, 2024, claimant's husband moved to California. As of the September 3, 2024, hearing, claimant was still living in Oregon.

**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). 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), leaving work without good cause includes:

\* \* \*

(A) Leaving suitable work to seek other work;

\* \* \*

(D) Leaving to attend school, unless required by law[.]

\* \* \*

Per 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) as follows:

\* \* \*

(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.

\* \* \*

Claimant testified that she quit work so that she could focus on finding other part-time work and completing her community college courses, and because she planned to eventually move to join her husband in California prior to the start of the employer's 2024-2025 school year. Audio Record at 7:30. To the extent that claimant left work to seek other part-time work and attend school, OAR 471-030-0038(5)(b)(A) and (D) specifically state that these are not good cause for quitting work.

To the extent that claimant quit work because of her intent to eventually join her husband in California, claimant did not have a compelling family reason or face a grave situation on this basis at the time she quit work. OAR 471-030-0038(5)(g)(C) supports that the need for such a move could constitute a compelling family reason and good cause for quitting work under the rule. Claimant testified that at the time she quit, her husband's relocation for work was imminent, and ultimately occurred on June 15, 2024. Audio Record at 13:08. However, at the time claimant quit she planned to stay in Oregon to sell the house and finish her community college courses before any move would take place. Therefore, the need to move had not yet arisen at the time claimant quit work, and good cause has not been shown based on a compelling family reason.

Similarly, claimant's plan to eventually move was not a grave situation at the time she quit work. While a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work to move with their spouse if the spouse relocated for work, they would quit only when the timing and definite nature of the moving plans made continuing to work for their employer impractical or impossible. Here, as the employer did not offer claimant any work hours through their customary summer recess period, claimant has not shown that her indefinite plans to move were incompatible with maintaining the employment relationship for an additional period of time beyond June 5, 2024. Therefore, claimant did not face a grave situation as a result of her moving plans at the time she quit work. Accordingly, claimant has not shown good cause for quitting either due to a compelling family reason or under the standard good cause analysis.

For these reasons, claimant voluntarily quit work without good cause and is therefore disqualified from receiving unemployment insurance benefits effective June 2, 2024.

**DECISION:** Order No. 24-UI-265176 is affirmed.

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

**DATE of Service:** October 18, 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.

**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>. 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 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.

**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)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

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.