

**BOARD OF REVIEW**  
**OKLAHOMA EMPLOYMENT SECURITY COMMISSION**  
P.O. BOX 53345  
OKLAHOMA CITY, OK 73152

Docket No. 16-AT-01150-BR

In Re: Claim of:

**CLAIMANT**

**EMPLOYER**

SSA #

Date of Commission's Appeal to Board: **DECEMBER 14, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Director, \_\_\_\_\_, reversing and modifying the Commission's determination by finding the claimant was separated from employment due to compelling family circumstances, and allowing benefits in accordance with Section 2-210, Title 40, Okla. Stat., as amended.

This matter is submitted on the recording of the hearing held before the Appeal Tribunal, the Appeal Tribunal decision, and the records in the offices of the Oklahoma Employment Security Commission, the Appeal Tribunal, and the Board of Review pertaining to this appeal.

The claimant was employed as a teacher. In October 2014, her fiancé obtained work in California and moved there. In January 2015, the claimant informed her employer that she was getting married and would not be returning to work there for the fall semester. She worked until the spring semester ended in May 2015 at which time she quit. She was married in July 2015 and moved to California.

Section 2-210 states that a claimant who separates from work due to "compelling family circumstances" is eligible for benefits. "Compelling family circumstances" may include moving with a spouse who has been transferred to or obtained employment outside the claimant's commuting distance. The Appeal Tribunal found that because the claimant continued to be paid until September 2015, she was still employed through that date. Accordingly, the Appeal Tribunal ruled that since she was employed at the time she married, her job separation was due to compelling family circumstances.

Although the claimant's pay was divided up so that she was paid each month for a year, she was not performing services after school was out in May. The fact that she was still receiving payments did not make her employed. It is common for a person to leave a job and not receive his or her final pay until some days or weeks later. She could have immediately accepted employment elsewhere even though she still had pay coming to her from Edmond Public Schools. She resigned in January 2015, and actually separated from employment in May, two months before she was married. She quit in anticipation of moving with her future spouse. Although she certainly had a good personal reason for quitting, it did not fall within the guidelines of Section 2-210.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED and MODIFIED to show Section 2-404 as the applicable Section of Title 40. The claimant is disallowed benefits effective week ending September 26, 2015, and indefinitely until she becomes re-employed and earns wages equal to or in excess of ten times her weekly benefit amount.

COPIES TO: CLAIMANT  
EMPLOYER  
OESC LEGAL DEPT  
ADJUDICATION CTR

**APPEAL RIGHTS**

Within 30 days after the mailing date of this decision, as shown opposite, further written appeal for judicial review may be filed in the District Court of claimant's county of residence or in the District Court of Oklahoma County if claimant is not a resident of Oklahoma, in accordance with Section 2-610, Title 40, Ok. Stat.

**CERTIFICATE OF MAILING**

I certify on 1-25-16 I personally placed copies of this decision in the United States mail in envelopes addressed to the claimant and employer at their respective addresses shown on the decision. Said envelopes were sealed and bore indicia of proper postage paid.