

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0080**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On November 22, 2013, the Oregon Employment Department (the Department) issued an administrative decision concluding claimant was not available for work during the period October 13, 2013 through November 16, 2013 (decision # 100635). Claimant filed a timely request for hearing. On December 19, 2013, ALJ Seideman issued Hearing Decision 13-UI-06883, dismissing claimant's request for hearing on the stated ground that claimant had withdrawn her request. On January 4, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

**CONCLUSIONS AND REASONS:** Hearing Decision 13-UI-06883 is not supported by the record. Hearing Decision 13-UI-06883 states that claimant withdrew her request for hearing. The record contains no evidence of that fact. The ALJ made no findings as to when or in what manner claimant withdrew her request. There is no basis on which to determine whether claimant did, or did not withdraw her request. Accordingly, Hearing Decision 13-UI-06883 must be reversed, and this matter remanded for further proceedings.

**DECISION:** Hearing Decision 13-UI-06883 is reversed, and this matter remanded for further proceedings as needed to complete the record.

Tony Corcoran and D. E. Larson;  
Susan Rossiter, not participating.

**DATE of Service:** January 22, 2014

**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,

EAB 2014-EAB-0080

Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.