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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2014-EAB-0216-R-R</p>
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Request for Reconsideration Denied

PROCEDURAL HISTORY: On November 4, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 100304). Claimant filed a timely request for hearing. On January 16, 2014, ALJ Micheletti conducted a hearing, and on January 23, 2014, issued Hearing Decision 14-UI-08997, concluding the employer discharged claimant but not for misconduct. On January 29, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

On February 27, 2014, EAB mailed Appeals Board Decision 2014-EAB-0216 to the parties; that decision affirmed the Hearing Decision under review. On March 6, 2014, the employer filed a request for reconsideration. On March 12, 2014, EAB mailed Appeals Board Decision 2014-EAB-0216 – R to the parties; that decision denied the employer’s request for reconsideration. On April 3, 2014, the employer filed a second request for reconsideration

CONCLUSIONS AND REASONS: The employer’s second request for reconsideration is denied.

A party may request reconsideration of an EAB decision to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, position, or prior practice. OAR 471-041-0145(1) (October 2009). A request for reconsideration must be filed “on or before the 20th day after the decision sought to be reconsidered is mailed.” In the argument attached to its request for reconsideration, the employer apparently seeks reconsideration of the EAB’s February 27, 2014 decision (2014-EAB-0216) and its March 12, 2014 decision (2014-EAB-0216-R). Because the reconsideration request was filed more than 20 days after the date on which each of these decisions was mailed, it is untimely.

DECISION: The request for reconsideration filed on April 3, 2014, is denied. Hearing Decision 14-UI-08997 remains undisturbed.

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

DATE of Service: April 24, 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, 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.