

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0434-R

### *Reconsideration Denied*

**PROCEDURAL HISTORY:** On December 24, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 82715). Claimant filed a timely request for hearing. On March 5, 2014, ALJ Micheletti conducted a hearing, and on March 7, 2014 issued Hearing Decision 14-UI-11919, affirming the Department's decision. On March 19, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). On April 4, 2014, EAB issued Appeals Board Decision 2014-EAB-0434, affirming Hearing Decision 14-UI-11919. On April 7, 2014, claimant filed a written argument with the EAB.

**CONCLUSIONS AND REASONS:** Under ORS 657.390(3), EAB may, upon its own motion, reconsider a previous decision; reconsideration may include issuance of a new decision “to the extent necessary and appropriate for the correction of previous error of fact or law.” We grant reconsideration to address issues raised by claimant’s written argument, but nevertheless adhere to our original decision.

In her written argument, claimant contended that the ALJ (and by inference, EAB) made a mistake of fact and law by concluding that claimant did not have good cause to quit her job. Claimant asserted that the requirement that she attend a meeting at which a manager whom she had previously accused of sexually harassing her created a grave situation that left her no alternative but to leave her job. In support of her argument, claimant submitted a statement and an e-mail in which she complained to the employer about the manager whom claimant accused of sexually harassing her. Claimant asked that EAB consider this evidence, which was not part of the hearing record. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information only if the party offering it shows that it was prevented by circumstances beyond its reasonable control from presenting the information at the hearing. Claimant provided no explanation as to why she did not offer the statement and e-mail at the hearing.

Because we cannot consider the documents claimant submitted with her April 7 argument, claimant failed to demonstrate that our previous decision contains an error of fact or law that must be corrected. Accordingly, we adhere to our original decision.

**DECISION:** Reconsideration is denied, and Hearing Decision 14-UI-11919 remains undisturbed.

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

**DATE of Service:** April 30, 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.