

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0652-R

### *Request for Reconsideration Denied*

**PROCEDURAL HISTORY:** On February 25, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions; one concluding claimant was not available for work from January 19, 2014 to February 22, 2014 (decision # 103734), and one concluding claimant did not actively seek work from January 19, 2014 to January 25, 2014 (decision # 104335). Claimant filed a timely request for hearing. On March 24, 2014, the Office of Administrative Hearings (OAH) issued two notices of a consolidated hearing scheduled for April 8, 2014 at 2:30 p.m. On April 8, 2014, ALJ R. Davis conducted a consolidated hearing, and on April 10, 2014, issued Hearing Decision 14-UI-14825, concluding claimant actively sought work from January 19, 2014 to January 25, 2014, and on April 11, 2014, issued Hearing Decision 14-UI-14895, concluding claimant was not available for work from January 19, 2014 to March 29, 2014. On April 18, 2014, claimant filed an application for review of Hearing Decision 14-UI-14895 with the Employment Appeals Board (EAB). On April 30, 2014, EAB mailed Appeals Board Decision 2014-EAB-0652 in which it affirmed the Hearing Decision under review.

On May 12, 2014, claimant filed a written argument with the EAB. The written argument is treated as a request to reconsider Appeals Board Decision 2014-EAB-0652.

**CONCLUSIONS AND REASONS:** Claimant's request for reconsideration is denied.

Claimant's written argument contained information that was not part of the hearing record. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information if the party offering the information shows that it was prevented from presenting the information at hearing by circumstances beyond the party's reasonable control. Claimant provided no reason why he was unable to present the new information in his argument at his April 10 hearing. Accordingly, claimant's request to have EAB consider new information is denied.

OAR 471-041-0145(1) (October 29, 2006) provides that a party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with a Department rule, or officially stated Department position or prior Department practice. In his argument, claimant fails to

allege that EAB made any error of fact or law, and does not ask for an explanation of any unexplained inconsistency with a Department rule, practice, position or policy. Accordingly, claimant's request for reconsideration is denied.

**DECISION:** On reconsideration, Hearing Decision 14-UI-14895 is affirmed.

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

**DATE of Service:** May 21, 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.