

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0888-R**

*Request for Reconsideration Denied*

**PROCEDURAL HISTORY:** On April 10, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 110827). Claimant filed a timely request for hearing. On May 6, 2014, ALJ Triana conducted a hearing, and on May 8, 2014 issued Hearing Decision 14-UI-17096, affirming the Department's decision. On May 21, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

On June 3, 2014, claimant filed a request to reopen her case with the Office of Administrative Hearings. Claimant's request to reopen is treated as a request to have EAB reconsider Appeals Board Decision 2014-EAB-0888.

Claimant's request for reconsideration includes information that was not part of the hearing record. Claimant failed to show that factors or circumstances beyond her reasonable control prevented claimant from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

In the portion of claimant's request for reconsideration that does not consist of new information, claimant failed to demonstrate that EAB made an error of material fact or law in Appeals Board Decision 2014-EAB-0888. *See* OAR 471-041-0145(1) (October 26, 2006) (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 a Department rule, or officially stated Department position or prior Department practice). Accordingly, claimant's request for reconsideration is denied.<sup>1</sup>

<sup>1</sup> We note that Claimant's request to reconsider is identical to the written argument she presented in support of her application for review. We did not consider that argument in reaching our decision in Appeals Board Decision 2014-EAB-0888 because claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a)(October 29, 2006).

**DECISION:** On reconsideration, Hearing Decision 14-UI-17096 is affirmed.

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

**DATE of Service:** June 12, 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.