

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0898**

*Hearing Decision 14-UI-17229 is Affirmed*  
*Hearing Decision 14-UI-17242 is Reversed and Remanded*

**PROCEDURAL HISTORY:** On March 31, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions; one concluding claimant voluntarily left work without good cause (decision #75624), and one concluding claimant was not available for work from March 2, 2014 to March 22, 2014 (weeks 10-14 to 12-14) (decision #104256). On April 3, 2014, claimant filed a timely telephone request for hearing. On April 24, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for May 8, 2014; one at 9:30 a.m., and one at 10:45 a.m. On May 8, 2014, ALJ Lohr conducted a hearing on decision # 75624, and on May 9, 2014, issued Hearing Decision 14-UI-17229, affirming the Department's decision # 75624. That same day, ALJ Lohr issued Hearing Decision 14-UI-17242, allowing claimant's request to withdraw her request for hearing regarding decision # 104256. On May 20, 2014, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-17229 and 14-UI-17242. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-UI-0898 and 2014-EAB-0899)

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). Therefore, we did not consider the argument when reaching this decision.

ORS 657.275 provides that EAB shall review the record of the case and promptly affirm, modify, or set aside the decision of the ALJ if the Director of the Department or any interested party files a timely application for review. On May 20, 2014, OAH provided EAB with an incomplete record of Hearing Decision 14-UI-17242.<sup>1</sup> Because it appears that further proceedings are or may be necessary before the record can be provided, Hearing Decision 14-UI-17242 is reversed as unsupported by a complete record,

<sup>1</sup> Claimant's request to withdraw her request for hearing on decision # 104256 is missing from the record.

and this matter remanded for such other and further proceedings as may be necessary to complete the record.

With respect to Hearing Decision 14-UI-17229, EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 14-UI-17229 under review is **adopted**.

**DECISION:** Hearing Decision 14-UI-17229 is affirmed and Hearing Decision 14-UI-17242 is reversed as unsupported by a complete record.

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

**DATE of Service: June 13, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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