

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1308-R

### *Request for Reconsideration Denied*

**PROCEDURAL HISTORY:** On June 11, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 144239). Claimant filed a timely request for hearing. On July 1, 2014, ALJ Vincent conducted a hearing, and on July 29, 2014, issued Hearing Decision 14-UI-22420, affirming the Department's decision. On August 1, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). On August 12, 2014, EAB issued Appeals Board decision 2014-EAB-1308, affirming Hearing Decision 14-UI-22420. On August 18, 2014, claimant asked EAB to "take a second look at my case." Claimant's request will be reconsidered as a request to have EAB reconsider Appeals Board decision is treated as a request to have EAB reconsider Appeals Board decision 2014-EAB-1308.

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

With his letter, claimant included pay stubs from 2012 and 2014 to show that the employer failed to keep to the schedule of paying employees on the 5<sup>th</sup> and 20<sup>th</sup> of every month. Claimant stated that "[a]t the time of the hearing, I didn't have my pay stubs." Under OAR 471-041-0090 (October 29, 2006), EAB may consider new evidence if the party offering the evidence demonstrates it was prevented by circumstances beyond its reasonable control from presenting the information at the hearing. Claimant provided no details about why he did not have his pay stubs at the hearing. Accordingly, we have no basis for concluding that circumstances beyond claimant's reasonable control prevented him from offering the pay stubs as evidence at his hearing and will not consider them.

To the extent that claimant's request is a request to have EAB reconsider Appeals Board decision 2014-EAB-1308, it must be denied for failure to comply with EAB rules. Under OAR 471-041-0145, a request for reconsideration must be dismissed unless it includes a statement that a copy was provided to the other parties. Claimant failed to provide such a statement.

**DECISION:** Claimant's request for reconsideration is denied. Appeals Board decision 2014-EAB-1308 remains undisturbed.

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

**DATE of Service: September 29, 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](http://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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