

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1365-R

Request for Reconsideration Denied
(*Petición de Revisión Negada*)

PROCEDURAL HISTORY: On July 2, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 101942). The employer filed a timely request for hearing. On August 6, 2014, ALJ Murdock conducted a hearing in which the claimant did not participate, and on August 8, 2014 issued Hearing Decision 14-UI-23087, affirming the Department's decision. On August 15, 2014, the employer filed an application for review with the Employment Appeals Board (EAB). On September 19, 2014, EAB issued Appeals Board Decision 2014-EAB-1365, reversing Hearing Decision 14-UI-23087 and concluding that the employer discharged claimant for misconduct. By letter dated October 3, 2014, claimant asked that EAB reconsider his "disqualification" for unemployment benefits. Claimant's letter will be considered as a request to have EAB reconsider Appeals Board Decision 2014-EAB-1365 under OAR 471-041-0145 (October 29, 2006).

CONCLUSIONS AND REASONS: The request for reconsideration is denied.

In his October 3, 2014 letter, claimant explains the circumstances that led to his discharge, presenting an account of these events that differs completely from that presented by the employer at the hearing. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information if the party offering the information shows that it was prevented by circumstance beyond its reasonable control from presenting the information at the hearing. Claimant did not participate in the hearing, and provided no explanation why he did not in his October 3 letter. Claimant has thus failed to show that circumstances beyond his reasonable control prevented him from offering the information contained in his October 3 letter at the hearing.

To the extent that claimant's request is a request to have EAB reconsider Appeals Board Decision 2014-EAB-1365, it must be dismissed for failure to comply with EAB rules. Under OAR 471-41-0145(2)(a), a request for reconsideration must be dismissed unless it includes a statement that copy of the request was provided to the other parties. Claimant's request for reconsideration includes no such statement.

DECISION: The request for reconsideration is denied. Appeals Board Decision 2014-EAB-1365 remains undisturbed. *La petición de revisión es negada. Decisión Appeals Board Decision 2014-EAB-1365 queda no afectada.*

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

DATE of Service: October 20, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.

NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros, (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en court.oregon.gov. En este sitio web, haga clic en “Help” para acceso a información en español.

Por favor, ayúdenos mejorar nuestros servicios por llenar el formulario de encuesta sobre nuestro servicio de atención al cliente. Para llenar este formulario, puede visitar <https://www.surveymonkey.com/s/5WQXNJH>. Si no puede llenar el formulario sobre el internet, puede comunicarse con nuestra oficina para una copia impresa de la encuesta.