

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-1597-R**

*Request for Reconsideration Denied*

**PROCEDURAL HISTORY:** On August 14, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 73834). Claimant filed a timely request for hearing. On August 27, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for September 10, 2014. On September 10, 2014, ALJ S. Lee conducted a hearing, and on September 15, 2014 issued Hearing Decision 14-UI-25219, affirming the Department's decision. On October 6, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). On October 14, 2014, EAB issued Appeals Board Decision 14-EAB-1597 in which it affirmed the hearing decision under review. On November 3, 2014, claimant filed a request for reconsideration.

**CONCLUSION AND REASONS:** Under OAR 471-041-0145(1) (October 29, 2006), a party may request that EAB reconsider a decision to correct an error of fact or law, or to explain any unexplained inconsistency with a Department rule or practice, or an officially stated Department position. Claimant asserts that we erred when we refused to consider new information he included in the written argument he submitted to EAB. The information to which claimant refers was a note from his wife's doctor, in which the doctor explained that claimant was required to stay home and care for his wife from July 5 through July 18, 2014, and a letter from claimant's therapist, which described the stress and anxiety claimant suffered at the job he voluntarily left. In Appeals Board Decision 2014-EAB-1597, we refused to consider this information because claimant had not offered it at the hearing, and provided no explanation why circumstances beyond his reasonable control prevented him from doing so, as required by OAR 471-041-0090 (October 29, 2006).

In his request for reconsideration, claimant asserts that he only understood he would have to provide detailed information, such as the doctor and therapist's note, "AFTER being denied benefits I THEN realized I would have to be more specific and provide the doctor's note etc." (Request for Reconsideration, p. 2). We note, however, that the hearing notice claimant received for the September 10, 2014 hearing explains that he must provide the ALJ with documents he wants to use at the hearing, that the ALJ will not consider documents not submitted prior to the hearing, and that the EAB will not

generally consider documents not presented at the hearing, if review of the hearing decision is requested. (Notice of Hearing, p. 6). In addition, the ALJ advised the claimant at the beginning of the hearing that if he voluntarily left his job, he had the burden of proof to demonstrate he had good cause to do so. (Audio at ~ 6:15). It was well within claimant's reasonable control to carefully read the portion of the hearing notice regarding documents he wanted to use at the hearing, to carefully listen to the ALJ's instructions about the burden of proof, and question her about any matters he did not understand. Accordingly, claimant did not show to show that his failure to understand the need to be "more specific" about the details of his work separation was a circumstance beyond his reasonable control. EAB did not err in refusing to consider the notes from claimant's therapist and his wife's doctor in reaching Appeals Board Decision 2014-EAB-1597. Because claimant has demonstrated no error of fact or law in this decision, his request for reconsideration is denied.

**DECISION:** Claimant's request for reconsideration is denied. Appeals Board Decision 2014-EAB-1597 remains undisturbed.

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

**DATE of Service:** November 6, 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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