

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-1768-R**

*Request for Reconsideration Denied*

**PROCEDURAL HISTORY:** On September 23, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 84311). Claimant filed a timely request for hearing. On October 20, 2014, ALJ Monroe conducted a hearing, and on October 24, 2014 issued Hearing Decision 14-UI-27552, concluding claimant voluntarily left work without good cause. On November 6, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). On December 4, 2014, EAB issued Decision 2014-EAB-1768, in which it affirmed the hearing decision under review.

On December 8, 2014, claimant's authorized representative, Nancy Montgomery, requested reconsideration of Appeals Board Decision 2014-EAB-1768.

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

Under OAR 471-041-0145(1), EAB may 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. In his request for reconsideration, claimant argued that the ALJ made numerous errors of fact in Hearing Decision 14-UI-27552. We disagree and conclude that the ALJ's findings of fact are supported by substantial evidence in the record. We will, however, address one of the arguments raised by claimant.

Claimant contended that he had good cause for voluntarily leaving his job under ORS 657.176(2)(c) and OAR 471-030-0038(4) because he faced a grave situation -- "the possibility of termination at any moment" -- that left him no reasonable alternative but to quit work. (Request for Reconsideration, p. 2). In Hearing Decision 14-UI-27552, the ALJ found, however, that after claimant submitted his resignation on August 11, 2014, the employer's district manager and store manager told claimant that they valued his many years of service to the employer, that they fully expected he would be able to improve his

performance, and that they wanted claimant to reconsider his decision to quit his job. (Hearing Decision 14-UI-27552, p. 2). The statements of the managers, which claimant does not dispute, demonstrate that claimant was in no danger of being discharged on the date he chose to resign. Accordingly, the ALJ did not err in concluding that claimant did not have good cause to quit his job.

Because claimant has demonstrated error of fact or law that requires correction, we find no basis for reconsidering Appeals Board Decision 2014-EAB-1768.

**DECISION:** Claimant's request for reconsideration is denied. Appeals Board Decision 2014-EAB-1768 remains undisturbed.

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

**DATE of Service:** December 23, 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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