

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0899-R**

*Application for Review Dismissed*  
*Request to Withdraw Allowed*

**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 notice (Ref. No. 2014-UI-15074) notified the parties that the hearing on decision #104256 was scheduled for 9:30 a.m., and the other notice (Ref. No. 2014-UI-15076) notified the parties that the hearing on decision #75624 was scheduled for 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). On June 13, 2014, EAB issued Appeals Board Decisions 2014-EAB-0898, affirming Hearing Decision 14-UI-17229, and 2014-EAB-0899, reversing Hearing Decision 14-UI-17242, and remanding the matter back to OAH for incomplete record.<sup>1</sup> On June 20, 2014, OAH provided EAB with a complete record.<sup>2</sup>

**CONCLUSIONS AND REASONS:** Claimant's request to withdraw is allowed.

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

<sup>2</sup> On June 20, 2014, OAH provided EAB with an e-mail in which an employee of the Office of Administrative Hearings acknowledges claimant's withdrawal of a request for a hearing on decision #104256. This document is marked as EAB Exhibit 1; a copy of EAB Exhibit 1 is included with this decision. Any party that objects to the admission of EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection within ten days of the date on which this decision is mailed. Unless an objection is received and sustained, EAB Exhibit 1 will remain in the record.

Claimant's request to withdraw her request for hearing with respect to decision # 104256 is allowed. OAR 4741-041-0090 (October 29, 2006). Claimant's application for review is therefore dismissed.

**DECISION:** The application for review filed May 20, 2014 is dismissed. Hearing Decision 14-UI-17242 remains undisturbed.

**DATE of Service: June 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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