

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0310-R**

*EAB Decision 2015-EAB-0310 Adhered To On Reconsideration  
Disqualification*

**PROCEDURAL HISTORY:** On December 31, 2014, the Oregon Employment Department (the Department) served notice of two administrative decisions. Decision # 162741 concluded claimant voluntarily left work without good cause. Decision # 195408 concluded claimant willfully made a false statement to the Department in order to obtain benefits based on Decision # 162741, and assessed a \$7,425 overpayment, \$1,113.75 in monetary penalties, and 52 penalty weeks. Claimant filed a timely request for hearing. On February 26, 2015, ALJ R. Davis conducted two hearings and on March 5, 2015 issued two Hearing Decisions. Hearing Decision 15-UI-34649 concluded the employer discharged claimant, but not for misconduct. Hearing Decision 15-UI-34650 modified the Department's decision # 195408, concluding claimant willfully made a false statement to the Department in order to obtain benefits, and imposed four penalty weeks. On March 17, 2015, claimant filed an application for review of Decision 15-UI-34650 with the Employment Appeals Board (EAB). On March 25, 2015, Hearing Decision 15-UI-34649 became final without an application for review having been filed. On March 30, 2015, EAB issued Appeals Board Decision 2015-EAB-0310, affirming the hearing decision under review. On April 6, 2015, claimant filed a written argument. In accordance with ORS 657.290(3), EAB will reconsider this case on its own motion to consider claimant's written argument.

In his written argument, claimant simply restated his position that the employer laid him off due to a lack of work and did not discharge him for misconduct. However, on March 25, 2015, Hearing Decision 15-UI-34649 became final without an application for review having been filed. Therefore, as a matter of law, the employer discharged claimant, but not for misconduct. For this reason, we find no error of fact or law that would require us to reconsider Appeals Board Decision 2015-EAB-0310. In addition, claimant provided no evidence of a Department error of material fact or law, nor did he provide any unexplained inconsistency with Department rule, position or prior practice. Therefore, claimant's reconsideration request must be dismissed.

**DECISION:** Reconsideration granted. We adhere to Appeals Board Decision 2015-EAB-0310.

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

**DATE of Service: April 8, 2015**

**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 Court of Appeals website at [courts.oregon.gov](http://courts.oregon.gov). Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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