

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0323

Affirmed
Disqualification

PROCEDURAL HISTORY: On February 9, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 84354). Claimant filed a timely request for hearing. On March 16, 2015, ALJ Wymer conducted a hearing, and on March 17, 2015 issued Hearing Decision 15-UI-35270, affirming the Department's decision. On March 20, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

The EAB considered claimant's written argument to the extent it was relevant and based on the hearing record. We agree with the ALJ's conclusion that claimant did not contradict the employer witness' testimony that he wrote the sentence in the December 15 memo about ending claimant's employment at the end of 2014 at claimant's request.¹ Furthermore, both employer witnesses testified that claimant was the moving party in requesting the reduction in hours to attend school that led to the memo denying her request. Transcript at 36 and 37. As the ALJ correctly indicated, OAR 471-030-0038(5)(b)(D) provides that leaving work without good cause includes leaving to attend school, unless required by law.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 15-UI-35270 is affirmed.

¹ Exhibit 1 and Hearing Decision 15-UI-35270 at Page 3.

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

DATE of Service: May 7, 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. 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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