

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0328-R

EAB Decision 2015-EAB-0328 Adhered To On Reconsideration
Affirmed
Disqualification

PROCEDURAL HISTORY: On February 4, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 144332). Claimant filed a timely request for hearing. On March 5, 2015, ALJ Frank conducted a hearing, and on March 11, 2015 issued Hearing Decision 15-UI-34949, affirming the Department's decision. On March 19, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On March 25, 2015, EAB issued Appeals Board Decision 2015-EAB-0328, affirming the hearing decision at issue.

At the time Appeals Board Decision 2015-EAB-0328 was issued, the record contained a written argument submitted by claimant on March 23, 2015 that included no statement that claimant had provided a copy of it to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). . Accordingly, EAB did not consider this written argument.

On April 6, 2015, claimant re-submitted a copy of her March 23, 2015 written argument . The April 6, 2015 written argument included a statement that she had provided a copy of the argument to the other parties. Claimant has demonstrated that she complied with the rule regarding submission of written argument to the other parties. Accordingly, we find it appropriate to exercise our authority under ORS 657.290(3) to reconsider Appeals Board Decision 2015-EAB-0328 and will consider claimant's written argument to the extent that it is relevant and based on the hearing record.

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 her request for reconsideration, claimant argued "I have not nor do I have any plans to quit my job, and as far as I know I am still employed by Certified Personnel Services and will return to full time

work when it resumes this summer.” In the case of individuals working for temporary agencies or employee leasing companies, the employment relationship is deemed severed at the time that a work assignment ends. OAR 471-030-0038(1)(a) (August 3, 2011). Claimant’s employer, Certified Personnel Services, is a temporary agency that places employees on work assignments with client companies. Hearing Decision 15-UI-34949 at 1. On September 28 or September 29, 2014, claimant voluntarily quit work to attend school. *Id.* Because the employer was a temporary agency, for the purposes of determining whether claimant should be disqualified from receiving unemployment insurance benefits, claimant’s employment relationship with the temporary agency is “deemed severed” at the time that each work assignment ended. Therefore, because claimant ended her assignment with Certified Personnel Services on September 28 or September 29, 2014, her employment relationship with the employer is considered severed on the same date, regardless of claimant’s standing with the agency after that date. Because claimant has failed to demonstrate any error of fact or law that requires correction, we will not reconsider Appeals Board Decision 2015-EAB-0328.

DECISION: Reconsideration is granted. We adhere to Appeals Board Decision 2015-EAB-0328 and Hearing Decision 15-UI-34949 remains undisturbed.

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. 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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