

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0507**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On March 16, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 85343). Claimant filed a timely request for hearing. On April 14, 2015, ALJ R. Davis conducted a hearing, and on April 22, 2015 issued Hearing Decision 15-UI-37290, affirming the Department's decision. On April 29, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented claimant from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2). Even if we had considered the written argument, it would not have changed the conclusion we reached. We agree with the ALJ that, in addition to the requirements that even though the new job offer made to claimant was definite, and the work was to begin in the short length of time as can be deemed reasonable under the individual's circumstances, and reasonably expected to continue, claimant must still be disqualified because the offered job must pay an amount greater than the work left or an amount greater than or equal to claimant's weekly benefit amount. OAR 471-030-0038(5)(a)(A) and (B). There is no exception to this rule.

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-37290 is affirmed.

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

**DATE of Service: May 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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