

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0508

Affirmed
Disqualification

PROCEDURAL HISTORY: On March 17, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 105434). 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-37339, affirming the Department's decision. On May 4, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her written argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006).¹ 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 her 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).

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-37339 is affirmed.

¹ In her request for hearing and in her application for review with the EAB, claimant used the adjective "Orwellian" to describe decisions made by the Department and the Office of Administrative Hearings. We assume the reference is to Eric Arthur Blair, who used the pen name George Orwell. According to Wikipedia, Blair was an English novelist, essayist, journalist and critic. His work is marked by lucid prose, awareness of social injustice, opposition to totalitarianism, and his commitment to democratic socialism. Apparently, the term "Orwellian" is descriptive of totalitarian or authoritarian social practices, and could include several of his neologisms, including cold war, Big Brother, Thought Police, doublethink, and thoughtcrime. Had we considered claimant's written argument, her statement regarding the "preposterous and Orwellian" nature of the standard used to determine if a claimant had good cause to voluntarily leave work under OAR 471-030-0038(4) would have not have affected our decision.

Susan Rossiter and Tony Corcoran;
J. S. Cromwell, 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. 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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