

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0737

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 17, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 152227). The employer filed a timely request for hearing. On May 27, 2015, ALJ Clink conducted a hearing, and on May 29, 2015 issued Hearing Decision 15-UI-39293, concluding claimant quit work without good cause. On June 15, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would remain the same. Although claimant alleged that she was not allowed any additional leave from work, the record shows that the employer offered claimant a leave of absence in lieu of quitting work, and she refused. Although claimant argued that she left work “because of a domestic violence situation that escalated to physical in January 2015,” she did not testify on the record the domestic violence situation existed in October when she left work, or that it caused her to leave work, or that she had to leave work to avoid domestic abuse she believed would occur if she did not. Accordingly, we agree with the ALJ’s decision in this matter, and the outcome of this decision would not change had we considered the written argument.

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-39293 is affirmed.

Susan Rossiter and J. S. Cromwell;
D. P. Hettle, *pro tempore*, not participating.

DATE of Service: July 31, 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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