

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1013-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On July 15, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause (decision # 154940). Claimant filed a timely request for hearing. On August 13, 2015, ALJ S. Lee conducted a hearing, and on August 19, 2015 issued Hearing Decision 15-UI-43227, affirming the Department's decision. On August 24, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On September 28, 2015, EAB issued Appeals Board Decision 2015-EAB-1013, affirming Hearing Decision 15-UI-43227. On October 2, 2015, claimant submitted a letter in which he "indicated several things" in Appeals Board Decision 2015-EAB-1013 "that need to be corrected" and that EAB had erred in holding him to the requirement set forth in OAR 471-041-0080(2)(a) that he send a copy of the written argument he had submitted to EAB to the employer. Claimant's request to have EAB reconsider its decision must be dismissed, however, because he failed to provide a statement that a copy of the request had been provided to the other parties as required by OAR 471-041-0145(2) (October 29, 2006).

Claimant argued, however, that his reconsideration request (and, earlier, his argument) should be considered even though he failed to provide proof he sent a copy to the other parties. Claimant asserted that he was unable to send a copy of his reconsideration request to the employer because the managers with whom he worked no longer work for the employer and "there was no one around that was involved to send to." Request for Reconsideration at 2. However, OAR 471-041-0145(2) requires that notice of a reconsideration request be provided to the other parties in the case. The employer, not specific individuals who worked for the employer and may have been involved in claimant's work separation, is considered a party in this matter. *See, e.g.,* ORS 657.025. EAB has not erred by refusing to consider claimant's written argument, or by dismissing claimant's request for reconsideration.

Even if we had accepted claimant's reconsideration request, we would have found it presented no error of fact or law which requires correction under ORS 657.390(3). In his request for reconsideration, claimant asserted that EAB erred by concluding that the employer's director of security accepted his letter of resignation on March 21, 2015. Claimant asserted that on this date "there was working

agreement of continuation of my employment with [the employer]. I was just waiting for [the director of security] to advise [sic] me of my schedule.” Request for Reconsideration at 2. The record shows, however, that after an exchange of numerous text messages on March 21, 2015, the director of security concluded claimant had decided not to withdraw a previously submitted letter of resignation; the director then processed claimant’s work separation as a voluntary leaving. Finding of Fact 10, EAB Decision 2015-EAB-1013. When the employer mistakenly scheduled claimant to work on March 26, 2015, claimant and the director of security exchanged a number of text messages about this mistake. Claimant never asserted in any of these text messages that he believed he still worked for the employer. Finding of Facts 11 and 12, EAB Decision 2015-EAB-1013. Because substantial evidence in the record supports a finding that claimant voluntarily left work on March 20, 2015, EAB did not err in making such a finding.

**DECISION:** Claimant’s request for reconsideration is dismissed. Appeals Board Decision 2015-EAB-1013 remains undisturbed.

Susan Rossiter and J. S. Cromwell

**DATE of Service: October 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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