

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0155

Affirmed
Disqualification

PROCEDURAL HISTORY: On December 29, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant quit work without good cause (decision # 100039). Claimant filed a timely request for hearing. On January 27, 2016, ALJ Wyatt conducted a hearing, and on February 4, 2016 issued Hearing Decision 16-UI-52318, affirming the Department's decision. On February 10, 2016, 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). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would remain the same. Claimant's argument was that he should not be disqualified from benefits because an error caused his failure to obtain the medical card necessary to begin the job he had been offered. Regardless whether claimant ultimately passed or failed the examination, however, the job offer was contingent upon it, making the prospective employer's offer of work to claimant indefinite at the time claimant left his job. Under OAR 471-030-0038(5)(a), individuals who leave work for indefinite offers of other work have left work without good cause.

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 16-UI-52318 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: February 16, 2016

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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