

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0159-R

Appeals Board Decision 2016-EAB-0159
Modified on Reconsideration

PROCEDURAL HISTORY: On December 14, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 120141). Claimant filed a timely request for hearing. On January 20, 2016, ALJ Holmes-Swanson conducted a hearing, and on January 28, 2016 issued Hearing Decision 16-UI-51836, reversing the Department's decision. On February 16, 2016, claimant filed an application for review with the Employment Appeals Board (EAB). On March 7, 2016, EAB issued Appeals Board Decision 2016-EAB-0159, concluding that claimant voluntarily left work without good cause.

In Appeals Board Decision 2016-EAB-0159, we stated that we considered the employer's written argument in reaching our decision. That statement was incorrect. The employer failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). EAB therefore did not consider the argument in reaching our decision.

ORS 657.290(3) provides that EAB upon its own motion may in its discretion reconsider any previous EAB decision. We reconsidered Appeals Board Decision 2016-EAB-0159 solely to eliminate the erroneous statement that we considered the employer's argument. The remainder of that decision remains unchanged.

DECISION: Appeals Board Decision 2016-EAB-0159 is adhered to on reconsideration, except for the change described above.

DATE of Service: March 11, 2016

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

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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