

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0537-R

EAB Decision 2016-EAB-0537 Adhered to on Reconsideration
Hearing Decision 16-UI-57477 Affirmed
Request to Reopen Denied
Request for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On February 25, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the claimant quit working for the employer without good cause (decision # 140203). Claimant filed a timely request for hearing. On March 8, 2016, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for March 22, 2016. On March 22, 2016, ALJ Dorr issued Hearing Decision 16-UI-55575, dismissing claimant's request for hearing for failure to appear. On March 28, 2016, claimant filed a timely request to reopen the hearing. On April 18, 2016, ALJ Kangas issued Hearing Decision 16-UI-57477, denying claimant's request. On May 7, 2016, claimant filed an application for review of Hearing Decision 16-UI-57477 with the Employment Appeals Board (EAB). On May 12, 2016, EAB issued EAB Decision 2016-EAB-0537, affirming Hearing Decision 16-UI-57477. On May 19, 2016, claimant submitted written argument, which EAB received on May 23, 2016. Because claimant's written argument was timely filed, we will exercise our discretion to reconsider this matter. This decision is issued pursuant to EAB's authority under ORS 657.290(3).

In his written argument, claimant argued that he should not be disqualified from receiving benefits based on his work separation from the employer. However, claimant's argument is not relevant to the issue before EAB in this case, which is whether claimant's request to reopen the March 22, 2016 should be denied. We therefore adhere to EAB Decision 2016-EAB-0537 on reconsideration. Hearing Decision 16-UI-57477, which denied claimant's request to reopen the hearing, is affirmed. Hearing Decision 16-UI-55575, which dismissed claimant's request for hearing on decision # 140203 therefore remains disturbed, as does decision # 140203, which concluded that claimant quit working for the employer without good cause.

DECISION: EAB Decision 2016-EAB-0537 is adhered to on reconsideration. Hearing Decision 16-UI-57477 is affirmed. Hearing Decision 16-UI-55575 and administrative decision # 140203 remain undisturbed.

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

DATE of Service: May 24, 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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