

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0334

Affirmed
Disqualification

PROCEDURAL HISTORY: On December 20, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 64450). Claimant filed a timely request for hearing. On January 17, 2017, ALJ Wipperman conducted a hearing, and on January 20, 2017 issued Hearing Decision 17-UI-75170, affirming the Department's decision. On February 2, 2017, claimant filed an application for review with the Employment Appeals Board (EAB). On February 21, 2017, EAB issued Appeals Board Decision 2017-EAB-0136, reversing Hearing Decision 17-UI-75170 and remanding this matter to the Office of Administrative Hearings (OAH) for additional evidence. On March 6, 2017, ALJ Wipperman conducted two hearings, and on March 15, 2017 issued Hearing Decision 17-UI-78896, re-affirming the Department's decision. On March 17, 2017, claimant filed an application for review of Hearing Decision 17-UI-78896 with EAB.

Claimant failed to certify that he provided a copy of his written 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 because the argument duplicated the arguments claimant made at the hearings in this matter.

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 17-UI-78896 is affirmed.

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

DATE of Service: April 6, 2017

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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