

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0717

Affirmed
Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 17, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from April 16 through May 6, 2017 (weeks 16-17 through 18-17) and therefore is ineligible for and denied benefits for those weeks, and until she is able to work again (decision # 154108).

On May 18, 2017, the Department served notice of an administrative decision concluding that claimant is not disqualified from receiving benefits based on her work separation from the employer because quit work with good cause (decision # 160526).

On May 24, 2017, claimant requested hearings on decision # 154108 and decision # 160526 with the Office of Administrative Hearings (OAH).

On May 30, 2017, ALJ Kangas issued Hearing Decision 17-UI-84442, dismissing claimant's request for hearing on decision # 160526 on the basis that the decision was in claimant's favor because it concluded that she quit working for the employer with good cause and therefore is not disqualified from receiving benefits based on that work separation.

On June 6, 2017, OAH scheduled a hearing for June 20, 2017 at 10:45 a.m. on decision # 154108, which concluded that claimant was not able to work during weeks 16-17 through 18-17 and therefore ineligible for and denied benefits for those weeks and until she was able to work again.

On June 13, 2017, claimant filed with the Employment Appeals Board (EAB) an application for review of Hearing Decision 17-UI-84442, which dismissed claimant's request for hearing on decision # 160526 on the basis that the decision was in claimant's favor because it concluded that she quit working for the employer with good cause and therefore is not disqualified from receiving benefits based on that work separation.

With her application for review, claimant submitted written argument asserting that she was appealing the decision that she quit working for the employer with good cause, and explaining the reason she quit. As stated above, however, decision # 160526 concluded that because claimant quit working for the employer with good cause, she is not disqualified from receiving benefits based on that work separation. It is decision # 154108 that concluded that claimant is ineligible for and denied benefits for weeks 16-17 through 18-17, and until she is able to work again. Claimant filed a timely request for hearing on decision # 154108 that is scheduled for June 20, 2017 at 10:45 a.m.

EAB reviewed the entire hearing record on decision # 160526. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 17-UI-84442 is **adopted**. Claimant's request for hearing on decision # 160526 is dismissed. Her request for hearing on decision # 154108 remains undisturbed.

DECISION: Hearing Decision 17-UI-84442 is affirmed.

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

DATE of Service: June 19, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.