

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1326

Affirmed
No Disqualification

PROCEDURAL HISTORY: On September 21, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 142645). Claimant filed a timely request for hearing. On October 25, 2017, ALJ Amesbury conducted a hearing, and on October 27, 2017 issued Hearing Decision 17-UI-95579, concluding claimant quit work with good cause. On November 16, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

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). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this case would remain the same. Although we agree with the employer that claimant's medical care provider did not independently assess the appropriateness of the work environment for claimant, and agree that it appears likely that the conditions of the work environment were standard for the printing industry, claimant credibly testified about his reaction to the work environment and established that the work was not suitable for him given his condition and reaction to the working conditions. Although claimant's testimony somewhat called into question whether or not he was able to work and available for work, the record established that, for the reasons the ALJ explained in Hearing Decision 17-UI-95579, he more likely than not had good cause to leave work when he did.

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-95579 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: November 20, 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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