

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0307

Affirmed
Disqualification

PROCEDURAL HISTORY: On February 9, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 144112). Claimant filed a timely request for hearing. On March 7, 2018, ALJ Turner conducted a hearing, continued on March 21, 2018, and on March 21, 2018, issued Order No. 18-UI-105636, affirming the Department's decision. On March 27, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument to the extent it was based on the record. In claimant's argument, claimant questioned why the Department reversed its original administrative decision that granted claimant benefits. Department records show that the administrative decision at issue in this case was generated on February 9, 2018 based on "new info" without stating what that information was. We assume, without deciding, the Department's February 9, 2018 decision was based on ORS 657.268, which provides in relevant part:

When a base-year employer files information in writing with the Director of the Employment Department within 10 days of its knowledge of an occurrence raising any issue not previously decided based upon specific investigation, an authorized representative shall promptly reexamine the subject claim for waiting week credit or for benefits. On the basis of the facts available, the authorized representative shall promptly make a decision. Written notice stating the reasons for the decision shall be given to both the claimant and the base-year employer that has filed such information. [1993 c.778 §8]

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

DECISION: Order No. 18-UI-105636 is affirmed.

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

DATE of Service: April 20, 2018

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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