

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0341-R**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On March 6, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 100251). Claimant filed a timely request for hearing. On March 27, 2018, ALJ Snyder conducted a hearing, and on April 4, 2018, issued Order No. 18-UI-106638, affirming the Department's decision. On April 7, 2018, claimant filed an application for review with the Employment Appeals Board (EAB). On May 11, 2018, EAB issued Appeals Board Decision 2018-EAB-0341, affirming the ALJ's Order. On May 22, 2018, claimant filed a timely request for reconsideration. This decision is issued pursuant to EAB's authority under ORS 657.290(3).

**CONCLUSIONS AND REASONS:** Reconsideration is granted. We adhere to Appeals Board Decision 2018-EAB-0341 as clarified herein.

OAR 471-041-0145(1) provides that any party may request reconsideration to correct an error of material fact or law. Claimant argued that EAB's order which affirmed the ALJ's decision contained errors of both law and fact because it was "unfounded due to the fact the ALJ did not have all of the information on this case to make a fair decision." Request for Reconsideration at 1. Claimant argued that the ALJ denied her the opportunity to present a witness and other information at the hearing concerning issues which we conclude, on this record, were unrelated to her interaction with the employer's owner on February 15, 2018, that caused her to quit that day.

At hearing, claimant asserted that on February 15, 2018, after the owner allegedly raised his voice at her for placing on his desk documents relating to a tip splitting issue that she agreed was no longer relevant between them, she quit, stating, "OK, I'm done and took my apron off" after which the owner encouraged her not to quit. Audio Record ~ 9:00 to 9:50. After the ALJ inquired about events that led up to their interaction concerning the tip issue that day, claimant sought to introduce evidence concerning past, alleged sick leave and safety violations that did not trigger her decision to quit when she did, which the ALJ properly restricted on relevance grounds. We have reviewed the hearing record in its entirety, which shows that the ALJ inquired fully into the matters at issue and gave all parties reasonable opportunity for a fair hearing as required by ORS 657.270(3) and OAR 471-040-0025(1)

(August 1, 2004). On reconsideration, we therefore adhere to EAB decision 2018-EAB-0341 and the Order which it adopted.

**DECISION:** Order No. 18-UI-106638 remains affirmed.

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

**DATE of Service: June 19, 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](http://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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