

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0364

Affirmed
Ineligible

PROCEDURAL HISTORY: On February 22, 2018, the Oregon Employment Department (the Department) served notice of administrative decisions concluding that claimant quit working for Asante Physician Partners without good cause (decision # 115741), and was not available for work from January 21 through February 17, 2018 (decision # 124738). Claimant filed timely requests for hearing on both decisions. On March 26, 2018, ALJ Seideman conducted a hearing on decision 124738, and on March 27, 2018 issued Order No. 18-UI-106055, modifying decision # 124738 by concluding that claimant was not available for work from January 21 through March 24, 2018. On March 29, 2018, ALJ Seideman conducted a hearing on decision # 115741, and on April 6, 2018 issued Order No. 18-UI-106881, concluding that Asante discharged claimant, not for misconduct. On April 11, 2018, claimant filed an application for review of Order No. 18-UI-106055 with the Employment Appeals Board (EAB). On April 26, 2018, Order No. 18-UI-106881 became final without Asante or the Department having filed an application for review of that order with EAB.

EAB reviewed the entire hearing record and claimant's written argument. In her argument, claimant asked EAB to review Order No. 18-UI-106055 because "after that hearing I was approved [for] unemployment benefits," asserted that she was available for work during some of the weeks at issue, and that, "I feel it is my right to receive unemployment benefits as I was deemed 'Terminated without cause.'" However, the fact that claimant was not disqualified from receiving benefits based on her work separation from Asante, and that she may have been "approved" for benefits for weeks after the hearing, are not relevant to the only issue before EAB in this case, whether claimant was available for work from January 21 through March 24, 2018. For the reasons stated in Order No. 18-UI-106055, we agree with the ALJ that she was not.

On *de novo* review and pursuant to ORS 657.275(2), Order No. 18-UI-106055 is **adopted**.

DECISION: Order No. 18-UI-106055 is affirmed.

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

DATE of Service: May 10, 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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