

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0435

Affirmed
Ineligible March 4, 2018 to March 10, 2018
Disqualification

PROCEDURAL HISTORY: On March 22, 2018, the Oregon Employment Department (the Department) served two notices of two administrative decisions, one concluding that claimant was not able to work from March 4, 2018 to March 17, 2018 (decision # 75534) and the other concluding that the employer discharged claimant, but not for misconduct (decision # 80823). Claimant and the employer filed timely requests for hearing on both decisions. On April 19, 2018, ALJ Janzen conducted two hearings, and on April 20, 2018 issued Order No. 18-UI-107843, concluding claimant was not able to work from March 4, 2018 to March 10, 2018, but was able to and available for work from March 11, 2018 to March 17, 2018, and Order No. 18-UI-107845, concluding claimant voluntarily left his job without good cause. On April 28, 2018, claimant filed applications for review of both decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order Nos. 18-UI-107843 and 18-UI-107845. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0433 and 2018-EAB-0435).

The parties' arguments contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond their reasonable control prevented them from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision, and considered the arguments only to the extent they were based upon that information.

EAB reviewed the entire record of both hearings. On *de novo* review and pursuant to ORS 657.275(2), Order Nos. 18-UI-107843 and 18-UI-107845 are **adopted**.

DECISION: Order Nos. 18-UI-107843 and 18-UI-107845 are affirmed.

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

DATE of Service: May 31, 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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