

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0451-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On March 16, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer with good cause (decision # 101114). The employer filed a timely request for hearing. On April 5, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 12, 2018. On April 12, 2018, ALJ Monroe conducted a hearing at which claimant failed to appear, and on April 19, 2018 issued Order No. 18-UI-107776 concluding that claimant quit without good cause. On April 28, 2018, claimant filed an application for review with the Employment Appeals Board (EAB). On May 30, 2018, EAB issued EAB Decision 2018-EAB-0451, affirming and adopting Order No. 18-UI-107776. On June 13, 2018, claimant filed a request for reconsideration with EAB.

Any party may ask EAB reconsider its decision to correct an error of material fact or law, or to explain any unexplained inconsistency with Department rule, or officially stated Department position, or prior Department practice. OAR 471-041-0145(1) (October 29, 2006). However, the request is subject to dismissal unless it includes a statement that a copy has been provided to the other parties. OAR 471-041-0145(2). Here, claimant's request for reconsideration of EAB Decision 2018-EAB-0451 did not include a statement that a copy of the request had been provided to the employer as required. Claimant's request for reconsideration therefore is dismissed.

However, even if we had allowed claimant's request, we would have adhered to EAB Decision 2018-EAB-0451 on reconsideration. Claimant's request for reconsideration contained information not offered into evidence at the April 12, 2018 hearing, and claimant failed to show that factors or circumstances beyond her reasonable control prevented her from appearing at the hearing and offering the information into evidence at that time. We therefore would not have considered claimant's new information when reconsidering its decision. See ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006). Based on a re-review of the information received into evidence at the hearing, we would have adhered to EAB Decision 2018-EAB-0451.

**DECISION:** The request for reconsideration filed June 13, 2018 is dismissed. EAB Decision 2018-EAB-0451 remains undisturbed. Order No. 18-UI-107776 remains affirmed.

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

**DATE of Service: June 25, 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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