

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0517-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On February 26, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 81914). Claimant filed a timely request for hearing. On March 20, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 3, 2018. On April 3, 2018, claimant failed to appear at the hearing, and ALJ Wymer issued Order No. 18-UI-106489, dismissing claimant's request for hearing for failure to appear. On April 23, 2018, claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant's request, and on May 1, 2018 issued Order No. 18-UI-108444, denying the request. On May 18, 2018, claimant filed a timely application for review of Order No. 18-UI-108444 with the Employment Appeals Board (EAB). On May 24, 2018, EAB issued EAB Decision 2018-EAB-0517, affirming and adopting Order No. 18-UI-108444. On June 11, 2018, claimant filed a timely request for reconsideration of EAB Decision 2018-EAB-0517 with EAB.

**CONCLUSIONS AND REASONS:** Claimant's request for reconsideration of EAB Decision 2018-EAB-0517 is dismissed.

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-0517 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-0517 on reconsideration. Claimant's request for reconsideration, like the written argument he submitted with his application for review of Order No. 18-UI-108444, contained information that he did not offer into evidence with his request to reopen, and claimant again failed to show that factors or circumstances beyond his reasonable control prevented him from doing so. EAB 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 claimant's request to reopen and the entire hearing record, we would have adhered to EAB Decision 2018-EAB-0517.

**DECISION:** Request for Reconsideration filed June 11, 2018 is dismissed. EAB Decision 2018-EAB-0517 remains undisturbed. Order No. 18-UI-108444 is affirmed.

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

**DATE of Service: June 22, 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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