

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0565

Affirmed
Disqualification

PROCEDURAL HISTORY: On April 6, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant refused an offer of suitable work without good cause (decision # 131500). Claimant filed a timely request for hearing. On May 7, 2018, ALJ Shoemake conducted a hearing, and on May 14, 2018 issued Order No. 18-UI-109272, affirming the Department's decision. On June 1, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

In written argument, claimant argued that he should not be disqualified from receiving unemployment insurance benefits because his job refusal without good cause was an isolated instance of poor judgment. While OAR 471-030-0038(3)(b) does provide exceptions from disqualification for isolated instances of poor judgment, the exception only applies to "misconduct" cases, not job refusal cases. Claimant's job refusal is therefore not excusable as an isolated instance of poor judgment.

EAB reviewed the entire hearing record and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

DECISION: Order No. 18-UI-109272 is affirmed.

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

DATE of Service: July 3, 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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