

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0853

Affirmed
Ineligible

PROCEDURAL HISTORY: On July 9, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not eligible to receive supplemental unemployment insurance benefits for dislocated workers (SUD) (decision # 82131). Claimant filed a timely request for hearing. On August 10, 2018, ALJ Murdock conducted a hearing, and on August 14, 2018 issued Order No. 18-UI-114934, affirming the Department's decision. On August 31, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

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

EAB notes that during the hearing the adjudicator set out steps for claimant to follow in the event the college reverses the failing grade she was given in spring term 2018 that caused her to become ineligible for SUD benefits, including that she seek reinstatement of those benefits by notifying and sending documentation of any grade change to the Department. In accordance with Department policy, claimant should continue claiming benefits while the college's investigation into the correctness of her grade continues so that, if the grade is reversed, she may receive benefits for the weeks claimed in which she was not eligible for them due to the failing grade appearing on her transcript.

DECISION: Order No. 18-UI-114934 is affirmed.

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

DATE of Service: October 1, 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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