

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0905-R

Request for Reconsideration Dismissed

PROCEDURAL HISTORY: On August 10, 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 # 94329). Claimant filed a timely request for hearing. On September 6, 2018, ALJ S. Lee conducted a hearing, and on September 12, 2018 issued Order No.18-UI-116444, concluding that claimant had good cause to quit working for the employer. On September 18, 2018, the employer filed an application for review with the Employment Appeals Board (EAB). On October 23, 2018, EAB issued EAB Decision 2018-EAB-0905, affirming the ALJ's Order. On November 5, 2018, the employer filed a request for reconsideration of EAB Decision 2018-EAB-0905 with EAB.

CONCLUSIONS AND REASONS: The employer's request for reconsideration of EAB Decision 2018-EAB-0905 is dismissed.

ORS 657.290(3) provides that EAB, upon application of any party in interest, may reconsider any previous EAB decision. Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Department rule, officially stated Department position or prior Employment Department practice. OAR 471-041-0145(1) (October 29, 2006). However, the request is subject to dismissal unless it is filed on or before the 20th day after the decision sought to be reconsidered is mailed, and includes a statement that a copy has been provided to the other parties. OAR 471-041-0145(2). Here, the employer's request for reconsideration was timely, but did not include a statement that a copy was provided to claimant. The request for reconsideration therefore is subject to dismissal.

DECISION: The request for reconsideration filed September 18, 2018 is dismissed. EAB Decision 2018-EAB-0905 remains undisturbed.

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

DATE of Service: November 15, 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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