

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0954-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On July 17, 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 # 90511). Claimant filed a timely request for hearing. On August 8, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 22, 2018. On August 22, 2018, claimant failed to appear at the hearing, and ALJ Amesbury issued Order No. 18-UI-115388 dismissing claimant's request for hearing due to his failure to appear. On September 10, 2018, claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant's request, and on September 11, 2018 issued Order No. 18-UI-116338, denying the request. On October 1, 2018, claimant filed an application for review of Order No. 18-UI-116338 with the Employment Appeals Board (EAB). On October 18, 2018, EAB issued and mailed EAB Decision 2018-EAB-0954, affirming Order No. 18-UI-116338. On November 7, 2018, EAB Decision 2018-EAB-0954 became final without claimant having filed a request for reconsideration. On November 17, 2018, claimant filed a late request for reconsideration. This decision is issued pursuant to EAB's authority under ORS 657.290(3).

**CONCLUSIONS AND REASONS:** Claimant's late request for reconsideration of EAB Decision 2018-EAB-0954 is dismissed.

ORS 657.290(3) provides that EAB, upon application of any party in interest, may reconsider any previous decision of the EAB. A party may request reconsideration to correct an error of material fact or law, or explain any unexplained inconsistency with Department rule, 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, and is filed on or before the 20th day after the decision sought to be reconsidered is mailed. OAR 471-041-0145(2). Here, claimant's request for reconsideration of EAB Decision 2018-EAB-0954 did not include a statement that a copy had been provided to the employer, and claimant did not file the request until November 17, 2018, which is more than 20 days after the decision was mailed on October 18, 2018. Claimant's request for reconsideration therefore is subject to dismissal.

Claimant's late request for reconsideration of EAB Decision 2018-EAB-0954 therefore is dismissed, and claimant has exhausted his remedies at EAB.

**DECISION:** The request for reconsideration filed October 1, 2018 is dismissed. EAB Decision 2018-EAB-0954 remains undisturbed.

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

**DATE of Service: November 28, 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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