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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

841
VQ 005.00

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0030

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On September 19, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 150416). The employer filed a timely request for hearing. On November 20, 2013, ALJ S. Lee conducted a hearing at which claimant failed to appear, and on December 20, 2013, issued Hearing Decision 13-UI-06974, concluding claimant voluntarily left work without good cause. On January 4, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted to EAB a written argument asserting that he failed to appear for the hearing because he incorrectly read the notice of hearing. EAB construes claimant's submission as a request to have EAB consider additional information under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider additional information if the party offering the information shows that circumstances beyond the party's reasonable control prevented him from offering the information into evidence at the hearing. Claimant's failure to read the Notice of Hearing carefully was an error that is within a party's reasonable control to prevent. Claimant has not met the requirements for EAB to consider any additional information he might offer and his request, therefore, must be denied.

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

DECISION: Hearing Decision 13-UI-06974 is affirmed.

Tony Corcoran and D. E. Larson;
Susan Rossiter, not participating.

DATE of Service: January 17, 2014

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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.

NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante el Tribunal de Apelaciones de Oregon dentro de los 30 días siguientes a la fecha de notificación enumerados anteriormente. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la (Oregon Court of Appeals, Records Section) Corte de Apelaciones de Oregon, Sección de Registros, 1163 State Street, Salem, Oregon 97310, o visitando el sitio en el Internet en <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Nota: el vínculo anterior puede no funcionar debido a cambios sin previo aviso al sitio en el Internet de la Corte de Apelaciones, dándose el caso puede ponerse en contacto con el Registro de Apelaciones (Appellate Records) al (503) 986-5555.