

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0047

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On November 8, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 80850). Claimant filed a timely request for hearing. On December 23, 2013, ALJ Kirkwood conducted a hearing in which the employer did not participate, and on December 27, 2013 issued Hearing Decision 13-UI-07194, concluding claimant left work with good cause. On January 8, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

In written argument, the employer asked for a new hearing. The employer's request is construed as a request to have EAB consider additional evidence under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider new information if the party offering the information shows that it was prevented by circumstances beyond its reasonable control from presenting the information at the hearing. In its argument, the employer asserts that it was "short-staffed" and "there was a good chance that I would be working with a store customer that afternoon". Without further explanation, there is no basis to conclude that circumstances outside of the employer's reasonable control prevented it from offering its information at the hearing.

In addition, the employer failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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-07194 is affirmed.

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

DATE of Service: January 30, 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.