

**EMPLOYMENT APPEALS BOARD DECISION**

**2014-EAB-0110**

*Affirmed  
No Disqualification*

**PROCEDURAL HISTORY:** On October 26, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant but not for misconduct (decision #145305). Claimant filed a timely request for hearing. On , ALJ Frank conducted a hearing in which the employer failed to appear, and on December 31, 2013, issued Hearing Decision 13-UI-04723, affirming the administrative decision. On January 21, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer's request for relief 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 it was prevented by circumstances beyond its reasonable control from presenting the information at the hearing. The employer failed to certify that it provided a copy of its argument, which includes the information the employer requests that EAB consider, to the other parties. OAR 471-041-0080(2)(a) (October 29, 2006) (a party's written argument will not be considered unless it includes a statement that a copy has been provided to the other parties). The employer's argument will not be considered and it has, therefore, failed to demonstrate that circumstances beyond its reasonable control prevented it from presenting the new information at hearing.

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-07423 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.