

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

**EMPLOYMENT APPEALS BOARD DECISION**

**2014-EAB-0147**

*Affirmed  
Disqualification*

**PROCEDURAL HISTORY:** On October 28, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged but not for misconduct (decision #85630). The employer filed a timely request for hearing. On December 30, 2013, Administrative Law Judge Kirkwood conducted a hearing at which claimant did not appear, and on January 7, 2014, issued Hearing Decision 14-UI-07883, concluding that claimant was discharged for misconduct. On January 22, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In her written argument, claimant explains why she did not appear at the hearing, states that she has proof that the employer misrepresented facts at the hearing, and asks for “a second chance to present her side of the story.” Claimant's request for relief is construed as a request to have EAB consider new evidence under OA 471-041-0090 (October 29, 1006), 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 hearing. Claimant failed to certify, however, that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Accordingly, claimant's argument will not be considered. Claimant has, therefore, failed to show that she was prevented by circumstances beyond her reasonable control from presenting the information contained in her argument at hearing.

**DECISION:** Hearing Decision 14-UI-07883 is affirmed.

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

**DATE of Service:** January 31, 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.