

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0321

Affirmed
Benefits Allowed in Part, Denied in Part

PROCEDURAL HISTORY: On November 7, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 89705). Claimant filed a timely request for hearing. On January 16, 2014, ALJ Hatfield conducted a hearing at which the employer did not appear, and on February 5, 2014, issued Hearing Decision 14-UI-09926, concluding that claimant voluntarily left work without good cause within 15 days of a planned discharge, not for misconduct. On February 25, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer asks that 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. In support of its request, the employer asserts that it missed the hearing because “[o]n the morning of January 16th, Seven Iron was in unplanned negotiations with the City of Baker City and the next manager coming in.” The employer failed to provide any explanation as to why the “unplanned negotiations” directly prevented it from participating in the hearing, or requesting a postponement. Without any additional details, we have no basis for concluding that the “unplanned negotiations” constituted circumstances beyond the employer’s reasonable control. Accordingly, the employer’s request to present new information is 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 14-UI-09926 is affirmed.

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

DATE of Service: March 5, 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.