

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0433

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On December 11, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 93542). Claimant filed a timely request for hearing. On February 26, 2014, ALJ Wyatt conducted a hearing, and on March 17, 2014 issued Hearing Decision 14-UI-12610, concluding the employer discharged claimant, but not for misconduct. On March 20, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

Both the employer and claimant submitted written arguments. The claimant failed to certify that he provided a copy of his argument to the other parties, as required by OAR 471-041-0080(2)(a) (October 29, 2006). In addition, both claimant and the employer included information in their arguments that was not part of the hearing record, and failed to show that factors or circumstances beyond their reasonable control prevented them from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

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-12610 is affirmed.

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

DATE of Service: April 25, 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.