

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0443

Affirmed
Disqualification

PROCEDURAL HISTORY: On December 30, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work with good cause (decision # 105838). The employer filed a timely request for hearing. On February 13, 2014, the Office of Administrative Hearings issued notice of a hearing scheduled for February 28, 2014, at 9:30 a.m. On February 28, 2014, ALJ Wyatt conducted a hearing in which the claimant did not participate, and on March 21, 2014, issued Hearing Decision 14-UI-13230, concluding that claimant voluntarily left work without good cause. On March 24, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In her application for review, claimant asserted that she was unable to appear at the hearing because she was hospitalized from February 27, 2014, through March 19, 2014 and was “unaware of such a hearing.” Claimant’s complaint is construed as a request to present additional evidence to EAB 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 hearing. OAH issued notice of the hearing to claimant on February 13, 2014 - two weeks before the date on which claimant was hospitalized. Claimant does not contend that she never received the hearing notice, and provides no other details regarding her hospitalization, e.g., whether it was an emergency situation of which she had no advance notice, or whether the illness or injury that resulted in her hospitalization prevented her from contacting the Office of Administrative Hearings in advance of the hearing to request a postponement of her hearing. With no supporting details, we cannot conclude that claimant’s failure to request a postponement of her February 28 hearing was a circumstance beyond her reasonable control. Accordingly, claimant’s request to provide 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-12123 is affirmed.

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

DATE of Service: April 16, 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.