

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0496

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On January 10, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 124234). Claimant filed a timely request for hearing. On March 4, 2014, ALJ Menegat conducted a hearing in which the employer did not participate, and on March 12, 2014, issued Hearing Decision 14-UI-12156, concluding that claimant voluntarily left work with good cause. On March 28, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

In its application for review, the employer asked to have the case “reopened,” asserting that it was unable to appear at the hearing because “[t]he hearing notice was received by the employer the day of the hearing; therefore management was unaware and not able to participate.” We construe the employer’s request as one to have EAB consider new information 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 provided no evidence regarding the time of day the hearing request was received. Without this information, we cannot determine if an attempt to contact the ALJ and request a postponement of the hearing would have been possible. Accordingly, the employer has failed to demonstrate that circumstances beyond its reasonable control prevented it from participating in the hearing, its 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-12156 is affirmed.

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

**DATE of Service: April 18, 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.