

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0818**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 6, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 93578). Claimant filed a timely request for hearing. On April 15, 2014, ALJ Frank conducted a hearing in which the employer did not participate, and on April 23, 2014, issued Hearing Decision 14-UI-15871, concluding that the employer discharged claimant but not for misconduct. On May 13, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer asked for a new hearing. In support of his request, the employer explained that “I was out of town on business and was not able to attend the hearing” and that he “was not in cell phone range at the time of the hearing.” The employer’s request is treated as a request 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 record contains no evidence that the employer made any attempt to request postponement of the hearing. Accordingly, the employer failed to show that circumstances beyond his reasonable control prevented him from participating in the hearing and the 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-15871 is affirmed.

Susan Rossiter and J.S. Cromwell, *pro tempore*;  
D. Larson and Tony Corcoran, not participating.

**DATE of Service: May 22, 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.