

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0914

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On April 17, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 91558). Claimant filed a timely request for hearing. On May 13, 2014, ALJ Clink conducted a hearing in which the employer did not participate, and on May 16, 2014 issued Hearing Decision 14-UI-17848, concluding that claimant was discharged but not for misconduct. On May 21, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, a representative of the employer asks for a new hearing, explaining that he missed the May 13 hearing “due to an emergency/illness with my new-born daughter that required a doctor visit. This situation was out of my control.” The employer’s request is construed 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 employer is a corporation; its representative failed to show why another representative could have been designated to appear at the hearing and, if necessary, request a continuance. Absent such a showing, the employer failed to establish that circumstances beyond its reasonable control prevented it from presenting information at the hearing. The employer’s request for EAB to consider the information under OAR 471-041-0090 is, therefore, 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-17848 is affirmed.

Tony Corcoran and J. S. Cromwell;
Susan Rossiter, not participating.

DATE of Service: June 10, 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.