
EO: 990
BYE: 201420

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2014-EAB-1028</p>
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Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On March 18, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not able to work from September 22, 2013 to February 8, 2014 (weeks 39-13 through 6-14) (decision # 131240). Claimant filed a timely request for hearing. On April 7, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for April 21, 2014 at 9:30 a.m. On April 21, 2014, ALJ Seideman issued Hearing Decision 14-UI-15635, dismissing claimant's request for hearing for failure to appear. On April 28, 2014, claimant filed a timely request to reopen the hearing. ALJ Kangas reviewed claimant's request to reopen and on May 28, 2014, issued Hearing Decision 14-UI-18466, denying claimant's request. On June 10, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant's argument contained information that was not part of the record before the ALJ. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information only if the party offering the information shows it was prevented by circumstances beyond its reasonable control from presenting the information at hearing. Because claimant provided no explanation as to why he did not present this information to the ALJ, we considered only information received into the record when reaching this decision. Even if we had, the outcome of this decision would remain the same.

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-18466 is affirmed.

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

DATE of Service: June 20, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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