

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1124

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On April 28, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant not for misconduct (decision # 144717). The employer filed a timely request for hearing. On June 4, 2014, ALJ R. Davis held a hearing in which the claimant did not participate, and on June 9, 2014, issued Hearing Decision 14-UI-19261, concluding that claimant voluntarily left work without good cause. On June 30, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In her application for review, claimant states that she missed the June 4 hearing because her son was “having issues at his elementary school.” Claimant’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. Claimant fails to provide any explanation as to how her son’s “issues” prevented her from participating in the June 4 hearing. Without supporting details, we have no basis to conclude that circumstances beyond claimant’s reasonable control prevented her from participating in the hearing. Claimant’s request to have EAB consider 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-19261 is affirmed.

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

DATE of Service: July 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 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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