

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1128

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On May 20, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant not for misconduct (decision # 132410). The employer filed a timely request for hearing. On June 12, 2014, ALJ Shoemake conducted a hearing in which the claimant did not participate, and on June 17, 2014, issued Hearing Decision 14-UI-19751, concluding that the employer discharged claimant for misconduct. On June 28, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In her application for review, claimant explains that she did not attend the hearing because she “had just started a new job” and it was very “hectic.” 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 new information shows it was prevented from offering the information at hearing due to circumstances beyond the party’s control. Claimant fails to provide any explanation as to how and why her work at a new job prevented her from participating in the hearing. Without any supporting details, we have no basis to conclude that claimant’s new job constituted circumstances beyond her reasonable control that prevented her participation in the hearing. Claimant’s request to present new information 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-19751 is affirmed.

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

DATE of Service: July 23, 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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