

**EMPLOYMENT APPEALS BOARD DECISION**

**2014-EAB-1160**

*Affirmed  
No Disqualification*

**PROCEDURAL HISTORY:** On May 27, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 105855). Claimant filed a timely request for hearing. On June 23, 2014, ALJ Wiperman conducted a hearing in which the employer did not participate, and issued Hearing Decision 14-UI-20207, concluding the employer discharged claimant not for misconduct. On July 7, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

In its application for review, the employer asked to “have an opportunity to attend a hearing on this matter.” The employer’s request is construed as a request to have EAB consider new evidence 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 hearing. In support of its request, the employer explains that “[u]nfortunately we were out of the office during the day this hearing was held.” The employer’s statement does not satisfy the requirements of the rule, and its 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-20207 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](http://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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