

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-1174**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On May 27, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work with good cause (decision # 90027). The employer filed a timely request for hearing. On June 6, 2014, the Office of Administrative Hearings served notice of a hearing scheduled for June 19, 2014 at 8:15 a.m. On June 19, 2014, ALJ M. Davis conducted a hearing in which claimant did not participate, and on June 20, 2014, issued Hearing Decision 14-UI-20094, concluding that claimant voluntarily left work without good cause. On July 8, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In her application for review, claimant asks for a new hearing to present evidence regarding her work separation. Claimant'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 her request, claimant explained that she did not receive notice of the hearing because "it was delivered to my neighbor instead." The mistaken delivery of the notice to claimant's neighbor, and not to claimant, is a circumstance beyond claimant's reasonable control. Accordingly, claimant's request to present new information is granted. Hearing Decision 14-UI-20094 is reversed; in accordance with ORS 657.275(1), this matter is remanded to the Office of Administrative Hearings for a new hearing and a decision on the merits of claimant's work separation.

**DECISION:** Hearing Decision 14-UI-20094 is set aside, and this matter remanded for further proceedings consistent with this order.

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](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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