

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1199

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On June 17, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 82220). Claimant filed a timely request for hearing. On July 7, 2014, ALJ Triana conducted a hearing in which the employer did not participate, and on July 9, 2014, issued Hearing Decision 14-UI-21107, concluding that the employer discharged claimant not for misconduct. On July 15, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer included information regarding the work separation at issue. Under OAR 471-041-0090 (October 29, 2006), EAB may 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. The employer offered no reason why it did not participate in the hearing and present the evidence it now asks EAB to consider. Accordingly, the employer's request to present 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-21107 is affirmed.

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

DATE of Service: July 31, 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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