

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-1264

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On June 6, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 112205). Claimant filed a timely request for hearing. On June 12, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for June 26, 2014 at 3:30 p.m. On June 26, 2014, ALJ Micheletti issued Hearing Decision 14-UI-20483, dismissing claimant's request for hearing for failure to appear. On July 7, 2014, claimant filed a timely request to reopen. On July 16, 2014, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 14-UI-21582, denying claimant's request. On July 24, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In claimant's written argument, claimant included information that was not part of the record before the ALJ. Under OAR 471-041-0090 (October 29, 2006), EAB may consider information not included in the record if the party offering the information shows that circumstances beyond the party's reasonable control prevented the party from presenting the information to the ALJ. Claimant provided no explanation as to why the information in the written argument was not presented to the ALJ. In addition, claimant failed to certify that a copy of the written argument was provided to the other parties as required by OAR 471-041-0080(2)(a). Accordingly, we did not consider the claimant's written argument in reaching this decision.

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-21582 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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