

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1873

*Affirmed  
No Disqualification*

**PROCEDURAL HISTORY:** On September 23, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 75646). Claimant filed a timely request for hearing. On November 20, 2014, ALJ Murdock conducted a hearing in which the employer did not participate, and on November 25, 2014 issued Hearing Decision 14-UI-29276, concluding that the employer discharged claimant, not for misconduct. On December 10, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

In its application for review, the employer's representative asked to reopen the hearing. The employer'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 information shows it was prevented by circumstances beyond its reasonable control from presenting the information at the hearing. In support of its request, the employer's representative explained that he was unable to appear for the November 20 hearing because he "had a customer emergency on a large scale project that required immediate attention... This job and customer accounts for 30 % of our annual income." The employer's representative provided no further details regarding the nature of the "customer emergency" and how it prevented him from calling in to participate in the hearing or to request a postponement. Without these details, we have no reason to conclude that the inability of the employer's representative to participate in the hearing was a circumstance beyond his reasonable control. 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-29276 is affirmed.

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

**DATE of Service: December 19, 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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