

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1942

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 27, 2014, the Oregon Employment Department (the Department) issued a wage and potential benefit report that found that claimant had insufficient earnings to qualify for unemployment insurance benefits. Claimant requested a redetermination of her eligibility, and on October 30, 2014, the Department issued a second wage and potential benefit report that adjusted claimant's earnings, but still found she had insufficient earnings to qualify for unemployment insurance benefits. Claimant filed a timely request for hearing. On December 3, 2014, ALJ Seideman conducted a hearing and issued Hearing Decision 14-UI-29754, affirming the Department's decision. On December 22, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

With her application for review, claimant provided a pay stub which she asserted showed that she earned "\$5,484.29" as of September 5, 2014. Claimant's request to have this information considered 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. Claimant offered no reason why she did not provide this paystub at the hearing. Even if we had considered claimant's paystub, however, we would have reached the same result in this decision. A careful reading of that pay stub shows that for the period beginning December 16, 2013 and ending on October 15, 2014, claimant apparently had deductions taken from her gross pay for payment of taxes in the amount of \$548.42. In asserting that she earned "\$5,284.29" for that period, claimant both misread her paystub and misplaced a decimal point.

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-29754 is affirmed.

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

**DATE of Service: January 2, 2015**

**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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