

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0279

Affirmed
Disqualification

PROCEDURAL HISTORY: On January 27, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause (decision # 75725). Claimant filed a timely request for hearing. On February 26, 2015, ALJ Murdock conducted a hearing, and on February 27, 2015 issued Hearing Decision 15-UI-34326, affirming the Department's decision. On March 11, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

In written argument, claimant asked EAB to consider new information, complaining that the ALJ stated she had another hearing to conduct, and that claimant was taking too long to state his case. However, the record shows that the ALJ told the parties she was making arrangements for another ALJ to conduct the other hearing so that she had time to conduct a full inquiry into the specifics of claimant's work separation. Transcript at 40. We reviewed the hearing record in its entirety, which shows that the ALJ inquired fully into the matters at issue and gave all parties reasonable opportunity for a fair hearing as required by ORS 657.270(3) and OAR 471-040-0025(1) (August 1, 2004). Nor does claimant's written argument show that other factors or circumstances beyond his reasonable prevented him from offering his new information during the hearing. EAB therefore considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

Claimant also argued that he did not quit work, asserting that the employer's witness lied under oath. However, claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). EAB therefore did not consider that argument when 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 15-UI-34326 is affirmed.

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

DATE of Service: April 28, 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 Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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