

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0302

Affirmed
No Disqualification

PROCEDURAL HISTORY: On January 8, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 141904). Claimant filed a timely request for hearing. On February 17, 2015, ALJ Seideman conducted a hearing, at which the employer failed to appear, and issued Hearing Decision 15-UI-33616, concluding the employer discharged claimant, but not for misconduct. On March 9, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer submitted new information with its application for review, which is construed as a request to have EAB consider additional evidence. 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 the hearing. However, the employer did not offer an explanation for its failure to appear at the hearing. In the absence of any explanation, there is no basis to conclude that circumstances outside of the employer's reasonable control prevented it from offering its information at the hearing. Consequently, the employer's request for the EAB to consider new information is denied, and we considered only the information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

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-33616 is affirmed.

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

DATE of Service: March 26, 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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