

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0401-R

*EAB Decision 2015-EAB-0401 Adhered To On Reconsideration
Disqualification*

PROCEDURAL HISTORY: PROCEDURAL HISTORY: On February 25, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 80252). Claimant filed a timely request for hearing. On March 24, 2015, ALJ Vincent conducted a hearing, and on March 27, 2015 issued Hearing Decision 15-UI-35905, affirming the Department’s decision. On April 9, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On April 14, 2015 the EAB issued Appeals Board Decision 2015-EAB-0401 affirming Hearing Decision 15-UI-35905. On April 29, 2015, claimant submitted a written argument. Under the authority granted to us by ORS 657.290(3), we will reconsider Appeals Board Decision 2015-EAB-0401 to consider claimant’s written argument.

Under OAR 471-041-0145(1), EAB may reconsider a decision to correct an error of fact or law, or to explain any unexplained inconsistency with a Department rule or practice, or an officially stated Department position. In his written argument, claimant submitted a five-page document of “new information” and wrote: “This document had not been created at the time of the original hearing. [sic] so it would have been impossible to submit it as evidence at that time.” However, claimant provided no explanation for why he was unable to submit this information at hearing, other than he did not create the document until *after* the hearing. Therefore, claimant’s argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond his reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

Claimant provided no error of fact or law, nor did he explain any unexplained inconsistency with a Department rule or practice, or an officially stated Department position. Therefore, we adhere to our decision to affirm Hearing Decision 15-UI-35905.

DECISION: Reconsideration is granted. We adhere to Appeals Board Decision 2015-EAB-0401.

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

DATE of Service: May 5, 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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