

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0656-R**

*Appeals Board Decision 2015-EAB-0656 Adhered To On Reconsideration  
Disqualification*

**PROCEDURAL HISTORY:** On April 27, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 71659). Claimant filed a timely request for hearing. On May 26, 2015, ALJ M. Davis conducted a hearing, and on May 29, 2015, issued Hearing Decision 15-UI-39238, affirming the administrative decision. On June 2, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On June 10, 2015, EAB issued Appeals Board Decision 2015-EAB-0656, affirming Hearing Decision 15-U-39238.

Also on June 10, 2015, claimant submitted written argument to EAB. Under the discretion granted us by ORS 657.290(3), we will reconsider Appeals Board Decision 2015-EAB-0656. We will not address all the contentions claimant raised in her argument. Instead, we will discuss one issue that requires consideration and clarification.

In her argument, claimant presented new information that was not offered at the hearing: claimant asserted that she was forced to quit her job because she was at risk of developing a “life-threatening” gastric ulcer on account of her medical condition and the stressful situation she faced in the workplace. Written Argument at 5. Under OAR 471-041-0090 (October 29, 2006), EAB has authority to consider new evidence if the party presenting the evidence shows that circumstances beyond the party’s reasonable control prevented the party from offering the information at the hearing. Claimant provided no reason why she did not offer evidence regarding this matter at the hearing. Because claimant failed to show that circumstances beyond her reasonable control prevented her from providing evidence about her medical issues at the hearing, we will not consider this information.

On reconsideration, EAB may make a new decision “to the extent necessary and appropriate for the correction of previous error of fact or law.” ORS 657.290(3). We conclude that we made no error of fact or law in our original decision and therefore adhere to it.

**DECISION:** Reconsideration is granted. We adhere to our decision in Appeals Board Decision 2015-EAB-0656 as clarified herein.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, *pro tempore*, not participating.

**DATE of Service: June 24, 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](http://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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