

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0875

Affirmed
Ineligible

PROCEDURAL HISTORY: On June 12, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from April 12 through 18, 2015 and April 26 through June 6, 2015 (decision # 92216). Claimant filed a timely request for hearing. On July 13, 2015, ALJ M. Davis conducted a hearing, and on July 16, 2015 issued Hearing Decision 15-UI-41601, concluding claimant was not able to work from April 12 through 18, 2015, April 26 through June 6, 2015 and June 14 through June 20, 2015. On July 20, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant's written argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented her 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. Even if we had, the outcome of this decision would remain the same, as the documents supported the Department's contention that claimant was not able to work during the weeks at issue.

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-41601 is affirmed.

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

DATE of Service: July 23, 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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