

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0901

Affirmed
No Disqualification

PROCEDURAL HISTORY: On June 22, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct (decision # 75639). Claimant filed a timely request for hearing. On July 22, 2015, ALJ Triana conducted a hearing, and on July 24, 2015, issued Hearing Decision affirming the administrative decision. On July 28, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer's argument contained new information that was not part of the hearing record. The employer did not explain why it was unable to offer this information into evidence at the hearing or otherwise show that it was prevented by factors and circumstances beyond its reasonable control from doing so as required by ORS 657.275(2) and OAR 471-041-0090(2) (October 29, 2006). For this reason, EAB did not consider the employer's new information, and considered only information received into evidence at the hearing when reaching his 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-41995 is affirmed.

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

DATE of Service: August 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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