

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0904

Affirmed
Ineligible Weeks 01-15 through 05-15 and 18-15 through 20-15

PROCEDURAL HISTORY: On June 3, 2015, the Oregon Employment Department (the Department) served notice of the following two administrative decision: decision #80546, concluding that claimant did not actively seek work from January 11 through February 7, 2015 (weeks 02-15 through -5-15) and decision #80902, concluding that claimant did not actively seek work from May 10 through May 23, 2015 (weeks 18-15 through 20-15). On June 3, 2015, claimant filed timely requests for hearing. On July 6, 2015, ALJ M. Davis conducted a hearing, and on July 8, 2015, issued Hearing Decision 15-UI-41214, affirming decision #80546, and Hearing Decision 15-UI-41215, affirming decision #80902. On July 28, 2015, claimant filed an application for review of both hearing decisions with the Employment Appeals Board (EAB).

With his application for review, claimant included a letter in which he stated that “having never gone through an appeal I did a poor job of giving my information. I would like a chance to show a complete record of my job search.” Claimant’s request is treated as a request to have EAB consider additional evidence under OAR 471-041-0090 (October 29, 2006), which allow EAB to 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. Claimant knew, when he requested a hearing on June 3, 2015, that his work search activities would be at issue for the hearing. Claimant had approximately one month to prepare evidence for the hearing, and it was well within claimant’s reasonable control to take the time necessary during this period to compile an accurate record of his work search. Claimant’s request to present new evidence is therefore denied.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-41214 and 15-UI-41215. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0906 and 2015-EAB-0904).

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 Decisions 15-UI-41214 and 15-UI-41215 are affirmed.

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

DATE of Service: July 30, 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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