

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1025**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On July 14, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision #74716). Claimant filed a timely request for hearing. On August 21, 2015, ALJ Vincent conducted a hearing in which the employer did not participate, and on August 27, 2015, issued Hearing Decision 15-UI-43342, concluding that claimant voluntarily left work with good cause. On August 27, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

In the application for review, the employer's representative asks for a new hearing to present evidence regarding claimant's work separation. The employer's request is treated as a request to have EAB consider additional evidence under OAR 471-041-041 (October 26, 2009), which allows 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. In support of her request, the employer's representative explained that devastating wild fires have been raging through the area and that she has experienced a great deal of emotional and physical stress, having spent the week prior to the hearing attempting to save her family's livestock and property. The representative also stated that she returned to work the day before the hearing, but was so busy responding to phone calls related to the fires that "it wasn't until the afternoon of August 18<sup>th</sup> that I had a free moment to look at my calendar and noticed that I had missed the hearing." While the representative's situation was undoubtedly difficult and stressful, the type of human error that caused her to miss the hearing is considered to be within a party's reasonable control to avoid. The employer's request to have EAB consider additional evidence is therefore denied.

EAB reviewed the entire record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 15-UI-43342 is affirmed.

Susan Rossiter and J.S. Cromwell.

**DATE of Service: September 4, 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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