

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1042

Affirmed
Ineligible Weeks 2-15 through 10-15, 12-15, 14-15, and 16-15 through 19-15

PROCEDURAL HISTORY: On July 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #145119) concluding that claimant was not available for work from January 11 through March 14, 2015; March 22 through 28, 2015; April 5 through 11, 2015; and April 19 through May 16, 2015 (weeks 2-15 through 10-15, 12-15, 14-15, and 16-15 through 19-15, 2015; April 5 through 11, 2015; and April 19 through May 16, 2015). Claimant filed a timely request for hearing. On August 7, 2015, ALJ S. Lee conducted a hearing, and on August 11, 2015, issued Hearing Decision 15-UI-42782, affirming decision #145119. On August 25, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond the employer's reasonable control prevented it from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

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-42782 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. 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.