

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1057

Affirmed
No Disqualification

PROCEDURAL HISTORY: On July 24, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision #104904). Claimant filed a timely request for hearing. On August 26, 2015, ALJ Murdock conducted a hearing in which the employer did not participate, and on August 27, 2015, issued Hearing Decision 15-UI-43609, concluding that the employer discharged claimant, but not for misconduct. On September 3, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

In its application for review, the employer's representative asks that the hearing "be re-opened to present our side." The employer's request is construed as a request to have EAB consider additional evidence under OAR 471-041-0090 (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 its request, the employer's representative explained that "[t]he mailing was sent out and the telephone hearing took place while we were out of town for a prior commitment." It was within the representative's reasonable control to arrange for someone to check his business mail during his absence, and notify him of any matters that might require his immediate attention. The employer's request to have EAB consider new information is therefore denied.

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-43609 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.

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