

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1061**

*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 # 80630). Claimant filed a timely request for hearing. On August 24, 2015, ALJ Frank conducted a hearing in which the employer did not participate, and on August 28, 2015, issued Hearing Decision 15-UI-43640, concluding that the employer discharged claimant, but not for misconduct. On September 2, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

In its application for review, the employer asked for “another chance 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 he was ready to call in for the hearing but, “I received a phone call from a customer with a high priority and time sensitive order. I began preparing the order, which was time consuming. When I had finished the order, I called in but I was too late and unable to get through.” The employer’s representative failed to provide any specific details as to why and how preparation of the customer’s order prevented him from calling in to the hearing, either to participate or to request a postponement. Without such details, we have no reason to conclude that circumstance beyond the employer’s reasonable control prevented its representative from participating in the hearing. 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-43640 is affirmed.  
Susan Rossiter and J. S. Cromwell.

**DATE of Service: September 8, 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.

**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.