

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1254**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On September 8, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work with good cause (decision # 74143). The employer filed a timely request for hearing. On October 8, 2015, ALJ Holmes-Swanson conducted a hearing in which claimant did not participate, and on October 13, 2015, issued Hearing Decision 15-UI-45737, reversing the administrative decision and concluding that claimant voluntarily left work without good cause. On October 23, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

With her application for review, claimant asked for another hearing, explaining that that she missed the hearing because she did not receive the hearing notice until October 11, 2015. Claimant admits it was her fault for missing the hearing because she “did not get my mail out of the mail box until that Sunday [October 11].” Claimant’s request is construed as a request to have EAB consider new information under OAR 471-041-0090 (October 29, 2006), 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. The notice was mailed to claimant on October 1, 2015, a week prior to the hearing, which was two days beyond the amount of time required under OAR 471-040-0015(1). It was well within claimant’s reasonable control to retrieve mail from her mailbox. Claimant’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-45737 is affirmed.

Susan Rossiter and J. S. Cromwell.

**DATE of Service: October 26, 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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