

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1289

Affirmed
Disqualification

PROCEDURAL HISTORY: On September 14, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 135106). The employer filed a timely request for hearing. On October 8, 2015, ALJ S. Lee conducted a hearing, and on October 16, 2015 issued Hearing Decision 15-UI-45998, concluding that claimant voluntarily left work without good cause. On November 2, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant's argument contained information that was not part of the hearing record. Claimant stated in his argument that the new information was "pertinent to the case" and that he "could not disclose [it] before." However, claimant failed to identify what factors or circumstances beyond his reasonable control prevented him from disclosing the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

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-45998 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: November 6, 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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