

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1373**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On October 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 151011). Claimant filed a timely request for hearing. On November 4, 2015, ALJ R. Frank conducted a hearing, and on November 12, 2015 issued Hearing Decision 15-UI-47555, concluding claimant quit work with good cause. On November 20, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

In written argument, the employer asked for a new hearing on the grounds that its witness was unable to appear and present evidence on November 4<sup>th</sup>. The employer's request for relief is construed as a request to have EAB consider new information under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider information not presented at the hearing 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 his request, the employer asserted that he was prevented from attending the hearing because of a conflict on the day and at the time of the hearing. The employer did not assert or show what, if any, attempt was made to participate in the hearing despite the conflict, nor did the employer show what, if any, attempt was made to secure a postponement or continuance of 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-47555 is affirmed.

Susan Rossiter and J. S. Cromwell

**DATE of Service:** November 23, 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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