

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0029**

*Affirmed*  
*Ineligible Week 36-15*

**PROCEDURAL HISTORY:** On October 9, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (# 85227) concluding that claimant was not available for work from September 6 through 12, 2015 (week 36-15). Claimant filed a timely request for hearing. On December 17, 2015, ALJ Frank conducted a hearing, and on December 23, 2015, issued Hearing Decision 15-UI-49957, affirming the administrative decision. On January 7, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented claimant from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

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-49957 is affirmed.

Susan Rossiter and J. S. Cromwell

**DATE of Service:** January 13, 2016

**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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