

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0113**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On November 24, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 91816). Claimant filed a timely request for hearing. On January 25, 2016, ALJ Seideman conducted a hearing in which the employer did not participate, and issued Hearing Decision 16-UI-51640, concluding that claimant voluntarily left work with good cause. On February 1, 2016, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer included a letter in which its representative, Paychex, Inc., asked that the hearing be reopened. The employer's request is considered a request to have EAB consider new information under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider new evidence if the party offering the evidence demonstrates that circumstances beyond the party's reasonable control prevented the party from presenting the information at the hearing. In support of its request, the employer's representative explained that "[t]he employer's witness was unable to participate due to being ill that day and woke up late. The employer's intention was to participate however he was very ill and woke up after the hearing had taken place." Although the employer's representative explained why the employer's witness was unable to participate in the hearing, it did not explain why the representative was unable to participate in the hearing. The employer's representative failed to show why it did not call in for the hearing, and ask for a postponement if and when it realized the employer's witness was unavailable. Without such details, we cannot conclude that the employer's failure to participate in the hearing was a circumstance beyond its reasonable control. The employer's request to present new information is therefore denied.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing record under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-51640 is affirmed.

Susan Rossiter and J. S. Cromwell

**DATE of Service: February 3, 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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