

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0233

Affirmed
No Disqualification

PROCEDURAL HISTORY: On January 7, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 140237). Claimant filed a timely request for hearing. On February 10, 2016, ALJ Wyatt conducted a hearing in which the employer did not participate, and on February 12, 2016, issued Hearing Decision 16-UI-52875, concluding that the employer discharged claimant, but not for misconduct. On March 2, 2016, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, one of the employer's owners included a letter in which she asks to reopen the hearing. The employer's request is construed as a request to have EAB consider new evidence under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider new information if the party presenting the information demonstrates that circumstances beyond the party's reasonable control prevented it from offering the information at the hearing. In support of its request, the employer's owner explained that "I entered the hearing date wrong on my appointment calendar. I had put it under the 11th of February instead of the 10th." It was well within the reasonable control of the employer's owner to accurately record the date of the hearing. The employer's request to provide 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 16-12-UI-52875 is affirmed.

Susan Rossiter and J. S. Cromwell;
D. P. Hettle, not participating.

DATE of Service: March 4, 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. 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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