

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0409**

*Affirmed*  
*Disqualification*

**PROCEDURAL HISTORY:** On February 26, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct (decision # 101608). The employer filed a timely request for hearing. On March 8, 2016, the Office of Administrative Hearings issued notice of a hearing scheduled for March 22, 2016. On March 22, 2016, ALJ M. Davis conducted a hearing at which claimant failed to appear, and on March 23, 2016, issued Hearing Decision 16-UI-55637, concluding that the employer discharged claimant for misconduct. On April 8, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

On April 11, 2016, claimant submitted a letter to EAB in which she asked that she be found qualified for unemployment benefits. Claimant'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 information if the party presenting the information demonstrates that circumstances beyond the party's reasonable control prevented the party from offering the information at the hearing. In support of her request, claimant stated that "I thought I was going to get a phone call for the hearing. I waited by the phone, no call." The hearing notice which claimant received for the March 22 hearing stated that "At the time of the hearing, you must call 1-877-622-4041." It was well within claimant's reasonable control to carefully read the hearing notice and directions for participating in the hearing. Claimant'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 647.275(2), the hearing record under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-55637 is affirmed.

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

**DATE of Service:** April 14, 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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