

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0621

Affirmed
No Disqualification

PROCEDURAL HISTORY: On April 13, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant quit work without good cause (decision # 121419). Claimant filed a timely request for hearing. On May 11, 2016, ALJ Menegat conducted a hearing, at which the employer did not appear, and on May 12, 2016 issued Hearing Decision 16-UI-59413, concluding claimant quit work with good cause. On May 24, 2016, the employer filed an application for review with the Employment Appeals Board (EAB).

On its application for review, the employer stated that it had inadequate notice of the hearing and so was unable to participate. 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 new information 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 its request, the employer stated "we are not receiving notifications per mail in a timely manner as it goes to the main office in Portland first." It is within the employer's reasonable control to make arrangements with its Portland office to receive notices promptly, or to change its address of record with the Department if the employer would prefer notices be sent to a different address. The employer's request to consider new information under OAR 471-041-0090 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-UI-59413 is affirmed.

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

DATE of Service: June 1, 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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