

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0691

Affirmed
No Disqualification

PROCEDURAL HISTORY: On May 2, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 93810). Claimant filed a timely request for hearing. On May 26, 2016, ALJ Murdock conducted a hearing in which the employer did not participate, and on June 2, 2016, issued Hearing Decision 16-UI-60951, concluding that the employer discharged claimant, but not for misconduct. On June 13, 2016, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer submitted a letter in which it provided information regarding claimant's work separation that was not part of the hearing record. The employer failed to show that any factors or circumstances beyond the employer's reasonable control prevented the employer from offering the information during the hearing, however. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

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-60951 is affirmed.

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

DATE of Service: June 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. 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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