

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0015

Affirmed
(*Afirmada*)
Request to Reopen Denied
(*Petición de Reabrir Negada*)

PROCEDURAL HISTORY: On September 16, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 142459). Claimant filed a timely request for hearing. On November 15, 2016, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for December 1, 2016. On December 1, 2016, claimant failed to appear at the hearing, and on December 2, 2016, ALJ Shoemake issued Hearing Decision 16-UI-72132, dismissing claimant's hearing request due to his failure to appear. On December 7, 2016, claimant filed a timely request to reopen the hearing. On December 13, 2016, ALJ Kangas issued Hearing Decision 16-UI-72822, denying claimant's request. On December 30, 2016, claimant filed an application for review of Hearing Decision 16-UI-72822 with the Employment Appeals Board (EAB).

With his application for review, claimant included an explanation for his failure to appear at the December 1, 2016 hearing. However, claimant provided no explanation in his December 7, 2016 request to reopen the hearing. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information not part of the hearing record if the party offering the information demonstrates that factors or circumstances beyond the party's control prevented the party from offering the information into the hearing record. Claimant did not assert or show that factors or circumstances beyond his reasonable control prevented him from explaining in his request to reopen why he failed to appear at the December 1, 2016 hearing. Claimant's request for EAB to consider his new information therefore is denied.

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 16-UI-72822 is **adopted**.

DECISION: Hearing Decision 16-UI-72822 is affirmed.
Decisión de la Audiencia 16-UI-72822 queda confirmada.

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

DATE of Service: January 6, 2017

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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NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en courts.oregon.gov. En este sitio web, hay información disponible en español.

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