

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0111

Affirmed
No Disqualification

PROCEDURAL HISTORY: On October 3, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 114402). Claimant filed a timely request for hearing. On January 10, 2017, ALJ Monroe conducted a hearing in which the employer failed to appear, and on January 18, 2017, issued Hearing Decision 17-UI-74851, concluding that voluntarily left work with good cause. On January 30, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

On the form which was used to file the application for review, the employer's representative wrote "I had an unforeseen urgent family matter I had to attend to and was unable to make the phone call." The employer's statement is construed as a request to have EAB consider new information under OAR 471-041-0090(1) (October 29, 2006), which allows EAB to consider information not offered into evidence at the hearing if the party offering the information demonstrates that circumstances beyond the party's control prevented it from offering the information at the hearing. The employer's representative provided no details about the nature of the "urgent family matter" that occurred, and how it prevented the representative from participating in the hearing or contacting the Office of Administrative Hearings for a postponement. Absent such information, the employer failed to establish that circumstances beyond the employer's control prevented its representative from participating in the hearing and offering the employer's information into evidence at that time. The employer's request to have EAB consider new evidence is therefore denied.

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 17-UI-74851 is affirmed.

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

DATE of Service: February 1, 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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