

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0111-R

Request for Reconsideration Granted
Appeals Board Decision 2017-EAB-0111 Adhered to on Reconsideration

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 claimant voluntarily left work with good cause. On January 30, 2017, the employer filed an application for review with the Employment Appeals Board (EAB). On February 1, 2017, EAB issued Appeals Board Decision 2017-EAB-0111, affirming the hearing decision under review. On February 10, 2017, the employer submitted a written argument to EAB. EAB will exercise its discretion under ORS 657.290(3) to address matters raised in the employer's written argument.

In the employer's argument, its representative provides a list of "additional details of this specific case" to illustrate the "discrepancies" the representative found in Hearing Decision 17-UI-74851. Because the employer did not appear at the hearing, the information in the argument is new. Under OAR 471-041-0090(2) (October 29, 2006), EAB may consider new information if the party offering the information demonstrates that circumstances beyond its reasonable control prevented the party from offering the information at the hearing. In Appeals Board Decision 2017-EAB-0111, we concluded that the employer failed to demonstrate that the "urgent family matter" that prevented the representative from appearing at the hearing constituted circumstances beyond the representative's control. The employer has provided no additional evidence or argument that would cause us to re-examine that conclusion. The employer's request to present new information is therefore denied.

Because the employer has not demonstrated any error of fact or law in Appeals Board Decision 2016-EAB-0111 that would require correction, we adhere to that decision on reconsideration. *See* ORS 657.290(3) (reconsideration by EAB may include making a new decision "to the extent necessary and appropriate for the correction of a previous error of fact or law").

DECISION: Reconsideration is granted. Appeals Board Decision 2017-EAB-0111 is adhered to on reconsideration.

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

DATE of Service: February 16, 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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