

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0135**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On December 7, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 152339). Claimant filed a timely request for hearing. On January 19, 2017, ALJ Shoemake conducted a hearing in which the employer did not participate, and on January 27, 2017, issued Hearing Decision 17-UI-75593, concluding that claimant voluntarily left work with good cause. On February 1, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

On February 6, 2017, the employer submitted a letter to EAB in which its representative asked that this case be “opened,” because the employer’s owner and controller “were at the World of Concrete Convention located out of state making them unable to attend the hearing set for January 19, 2017.” The owner’s letter 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 new information if the party offering the information demonstrates that circumstances beyond the party’s control prevented the party from offering the information at the hearing. The employer’s representative failed to explain why the owner and controller’s attendance at an out of state convention prevented them from presenting evidence at a telephone hearing, or requesting a postponement. The employer’s request to present new information is therefore denied.

EAB reviewed the entire hearing 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-75593 is affirmed.

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

**DATE of Service:** February 9, 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](http://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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