

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0003

Affirmed
No Disqualification

PROCEDURAL HISTORY: On November 20, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 84144). Claimant filed a timely request for hearing. On December 21, 2017, ALJ Lewis conducted a hearing, and on December 26, 2017 issued Hearing Decision 17-UI-99661, concluding the employer discharged claimant, but not for misconduct. On December 29, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and the employer's timely written argument. However, the employer's argument contained information that was not part of the hearing record, and the employer failed to show that factors or circumstances beyond its reasonable control prevented it from offering the information during the hearing. 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.

On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 17-UI-99661 is affirmed.

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

DATE of Service: February 1, 2018

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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