

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0441

Affirmed
No Disqualification

PROCEDURAL HISTORY: On March 9, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 94441). Claimant filed a timely request for hearing. On April 19, 2018, ALJ Griffin conducted a hearing, and on April 24, 2018 issued Order No. 18-UI-108008, concluding claimant voluntarily left work with good cause. On April 30, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

The parties' arguments contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond their reasonable control prevented them 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.¹

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

DECISION: Order No. 18-UI-108008 is affirmed.

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

DATE of Service: May 31, 2018

¹ The employer noted in his argument that he had inadequate notice of the hearing. We note that the notice of hearing was mailed 13 days prior to the hearing, exceeding the required 5-day period by 8 days. OAR 471-040-0015(1). We also note that the record contains nothing suggesting that the employer notified the Office of Administrative Hearings or the ALJ during the hearing that he had had inadequate notice of the hearing, had not been able to adequately prepare for the hearing, or had additional information he was unable to present during the hearing, nor did the employer request that the hearing be continued or postponed. The employer therefore has not shown that factors or circumstances beyond his reasonable control prevented him from offering the new information during the hearing, nor has he shown that EAB may consider that new information in reaching this decision. The employer's new information is therefore excluded from evidence.

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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