

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0517**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On February 26, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 81914). Claimant filed a timely request for hearing. On March 20, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 3, 2018. On April 3, 2018, claimant failed to appear at the hearing, and ALJ Wymer issued Order No. 18-UI-106489, dismissing claimant's request for hearing for failure to appear. On April 23, 2018, claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant's request, and on May 1, 2018 issued Order No. 18-UI-108444, denying the request. On May 18, 2018, claimant filed a timely application for review of Order No. 18-UI-108444 with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument. However, claimant's argument contained information that he did not offer into evidence with his request to reopen, and claimant failed to show that factors or circumstances beyond his reasonable control prevented him from doing so, as required under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006). EAB therefore did not consider claimant's new information when reaching this decision.

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

**DECISION:** Order No. 18-UI-108444 is affirmed.

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

**DATE of Service:** May 24, 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](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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