

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0560**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On April 23, 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 # 103508). Claimant filed a timely request for hearing. On May 10, 2018, the Office of Administrative Hearings (OAH) served notice of a telephone hearing scheduled for May 24, 2018 at 1:30 p.m. On May 24, 2018, ALJ Jarry conducted a hearing at which the employer failed to appear, and on May 25, 2018 issued Order No. 18-UI-110122, concluding that claimant quit working for the employer with good cause. On May 31, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer requested that the May 24, 2018 hearing be reopened, asserting that it failed to appear at the hearing because its representative “had set a reminder to be present and the reminder did not work,” and “attempted to call into the hearing at [1:47 p.m.] but it was too late at that point. The employer’s request for relief is construed as a request for consideration of new information under OAR 471-040-0090 (October 29, 2006), which allows such information to be considered when the party offering the information establishes that factors or circumstances beyond its reasonable control prevented it from offering the information into evidence at the hearing.

Here, it appears that circumstances beyond the employer’s reasonable control may have prevented it from appearing at the May 24, 2018 hearing and offered its information into evidence at that time. However, further inquiry into the facts necessary for a determination of that issue is required. Order No. 18-UI-110122 therefore is reversed, and this matter remanded for a hearing on whether the hearing should be reopened for consideration of the employer’s information and, if so, on the merits of decision # 103508.

**DECISION:** Order No. 18-UI-110122 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service: June 14, 2018**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 18-UI-110122 or return this matter to EAB. Only a timely application for review of the subsequent Order will cause this matter to return to EAB.

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