

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0588

Affirmed
Ineligible

PROCEDURAL HISTORY: On April 19, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not able, available and actively seeking work during the weeks of February 25, 2018 through March 31, 2018 (decision # 131159). Claimant filed a timely request for hearing. On May 21, 2018, ALJ Monroe conducted a hearing, and on May 24, 2018 issued Order No. 18-UI-110092, affirming the Department's decision. On June 7, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted a written argument but did not certify that a copy of it was provided to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The employer submitted a written argument that contained information not offered into evidence during the hearing but failed to show as required by OAR 471-041-0090(2) (October 29, 2006) that it was prevented from presenting that information at the hearing by factors or circumstances beyond its reasonable control. For these reasons, EAB did not consider claimant's written argument or the employer's new information when reaching this decision.

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-110092 is affirmed.

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

DATE of Service: July 10, 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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