

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0671**

*Affirmed – Afirmado*  
*Request to Reopen Denied – Petición Para Reapertura Esta Negada*

**PROCEDURAL HISTORY:** On May 3, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$972 overpayment that claimant was required to repay or have deducted from future benefits otherwise payable (decision # 95349). Claimant filed a timely request for hearing. On May 23, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for June 6, 2018. On June 6, 2018, claimant failed to appear at the hearing, and ALJ Seideman issued Order No. 18-UI-110774, dismissing claimant's request for hearing due to his failure to appear. On June 12, 2018, claimant filed a timely request to reopen the hearing. ALJ Kangas reviewed claimant's request, and on June 18, 2018, issued Order No. 18-UI-111529, denying the request. On June 28, 2018, claimant filed an application for review of Order No. 18-UI- 111529 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. With his application for review, claimant provided new information regarding his failure to appear at the June 6, 2018 hearing. However, new information may only be considered if the party offering the information establishes that factors or circumstances beyond the party's reasonable control prevented the party from offering the information into the hearing record. OAR 471-041-0090 (October 29, 2006). Here, claimant did not explain why he failed to offer his new information into the hearing record when he filed his request to reopen the hearing. Absent such an explanation, claimant failed to establish that factors or circumstances beyond his reasonable control prevented him from doing so. EAB therefore did not consider claimant's new information when reaching this decision.

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

**DECISION:** Order No. 18-UI-111529 is affirmed.  
*La Orden de la Audiencia 18-UI-111529 queda confirmada.*

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

**DATE of Service: July 19, 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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*NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en [courts.oregon.gov](http://courts.oregon.gov). En este sitio web, hay información disponible en español.*

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