

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0681**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 18, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 123224). Claimant filed a timely request for hearing. On June 5, 2018, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for June 19, 2018 at 3:30 p.m. On June 19, 2018, ALJ Snyder conducted a hearing, at which the employer failed to appear, and on June 27, 2018 issued Order No. 18-UI-112111, concluding claimant quit work with good cause. On July 5, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer asked EAB to consider information that was not presented at the hearing. OAR 471-041-0090(2)(b) allows EAB to consider new information if the party submitting the information shows that factors or circumstances beyond the party's reasonable control prevented the party from offering the information into evidence at the hearing. In support of its request, the employer stated that he did not appear for the hearing because the notice of hearing "was mailed to my partners [*sic*] address but he is out of country and that letter was unattended." The record shows, however, that OAH mailed notice of the June 19<sup>th</sup> hearing to the employer at its address of record with the Department, and the employer did not establish that it was beyond the employer's reasonable control to make arrangements to monitor business mail directed to the employer's address of record while the partner was out of the country. Because the employer failed to prove that factors or circumstance beyond the employer's reasonable control prevented it from appearing at the hearing to offer evidence about claimant's work separation, the employer's request to consider new information under OAR 471-041-0090 is denied.

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

**DECISION:** Order No. 18-UI-112111 is affirmed.

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

**DATE of Service: July 16, 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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