

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0746

Reversed & Remanded

PROCEDURAL HISTORY: On May 24, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer with good cause (decision # 100702). The employer filed a timely request for hearing. On June 22, 2018, the Office of Administrative Hearings (OAH) served, by mail, notice of a hearing scheduled for July 6, 2018. On July 6, 2018, ALJ Griffin conducted a hearing at which claimant failed to appear, and on July 9, 2018 issued Order No. 18-UI-112711, concluding that claimant did not have good cause to quit working for the employer. On July 27, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Order No. 18-UI-112711 is reversed and this matter remanded for another hearing.

In her application for review, claimant asked for another hearing on whether she should be disqualified from receiving benefits based on her work separation from the employer. Claimant's request is construed as a request for consideration of new information under OAR 471-041-0090 (October 29, 2018). Under OAR 471-041-0090(2) new information may be considered when the party offering the information establishes 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 her request, claimant stated that she lives with her grandparents in a separate home on their property, has issues with getting her mail on time, and was not given the June 22, 2018 notice of the July 6, 2018 hearing until after the hearing. Claimant's statement suggests that due to her living situation, factors or circumstances beyond her reasonable control may have prevented her from receiving the notice of hearing in time to appear and offer her information into evidence. However, further inquiry is necessary for a determination of that issue. Claimant's request for consideration of new information under OAR 471-041-0090(2) therefore is allowed.

Order No. 18-UI-112711 is reversed, and this matter remanded for a hearing on whether claimant is entitled to another hearing and, if so, whether she should be disqualified from receiving benefits based on her work separation from the employer.

DECISION: Order No. 18-UI-112711 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: August 7, 2018

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 18-UI-112711 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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