

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0842**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On June 27, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was discharged, not for misconduct (decision # 71815). The employer filed a timely request for hearing. On August 7, 2018, ALJ Amesbury conducted a hearing, and on August 13, 2018 issued Order No. 18-UI-114809, affirming the Department's decision. On August 28, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer submitted written argument with its application for review, but failed to show that factors or circumstances beyond the employer's reasonable control prevented it from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision. However, even if we had considered the employer's written argument, the outcome of this decision would have remained the same.

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-114809 is affirmed.

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

**DATE of Service:** September 25, 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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