

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0957

Affirmed
Disqualification

PROCEDURAL HISTORY: On August 17, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 105832). Claimant filed a timely request for hearing. On September 11, 2018, ALJ S. Lee conducted a hearing, and on September 19, 2018 issued Order No. 18-UI-116855, affirming the Department's decision. On October 3, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant submitted a written argument that contained information she did not offer into evidence during the hearing. Since claimant did not show that factors or circumstances beyond her reasonable control prevented her from offering this new information at the hearing as required by OAR 471-041-0090 (October 29, 2006), EAB considered claimant's written argument only to the extent it was based on information received into evidence during the hearing.

Claimant's argument suggested that one of the reasons she left work when she did was because district managers allegedly had been styling hair in salons located in Oregon when they did not have licenses issued by the Oregon Board of Cosmetology. Claimant's Written Argument at 5, 6. While claimant mentioned at hearing that on one occasion, seven or eight months before she quit, a district manager had cut hair in the salon she managed when he did not have a license to do so, claimant did so in passing. Transcript at 22, 24. Given claimant's lack of emphasis on it and its remoteness in time from when claimant actually left work, it is unlikely that the one occasion on which the district manager styled hair without a license was a proximate cause for claimant's voluntary leaving.

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-116885 is affirmed.

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

DATE of Service: November 6, 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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