

EAB FAQs

I participated in a telephone hearing. When can I expect to receive a decision? You should receive a decision within 30 to 40 days after you filed your application for review.

EAB reviews the record “*de novo*”. What exactly does that mean? “Record” refers to all the documents and testimony that the ALJ received into evidence. “*De novo*” means “new.” That EAB reviews the record *de novo* just means that the board considers all the evidence as if the ALJ’s order was never issued.

If EAB just reviews the record, and doesn’t conduct hearings, how am I supposed to “make my case” to the board? You may file a written argument.

Will it look bad if I don’t file a written argument? No. Unemployment insurance law is well-settled, and the facts of the cases that come before the board are generally uncomplicated. The board will review your case, even if you do not file a written argument.

Will it help me win my case if I do file a written argument? The board, except in the rare case, must base its decision on the hearing record, and only the hearing record. The parties’ written arguments rarely, if ever, make any difference in the outcome of the board’s decision.

I want EAB to consider information that was not made a part of the record. What do I have to do? OAR 471-041-0090 (October 29, 2006) allows EAB to consider new information, but you must show the board, in writing, that you were prevented by circumstances beyond your reasonable control from presenting the information at the hearing, and that the information is relevant and material.

Circumstances that ***do not*** justify a request to consider new information include:

- Missing the hearing because of a failure to plan
- Failure to ask OAH for a postponement
- Mistake in reading the notice of hearing
- Losing the notice of hearing
- Calling the conference line at the wrong time or on the wrong day
- Claiming that the notice of hearing was not received and not supplying circumstantial evidence in support

What are the chances that EAB will reverse the order from OAH? On average, EAB reverses orders from OAH in 15% of the cases it reviews, and 10% are remanded (returned to OAH) for further proceedings.