

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0051

Affirmed
Request to Reopen Denied
Petición para volverse a Abrir Negado

PROCEDURAL HISTORY: On September 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 101440). Claimant filed a timely request for hearing. On November 5, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for November 18, 2013, at 3:30 p.m. On November 19, 2013, ALJ Holmes-Swanson issued Hearing Decision 13-UI-04760, dismissing claimant's request for hearing for failure to appear. On November 25, 2013, claimant filed a request to reopen the hearing. On December 24, 2013, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 13-UI-07074, denying claimant's request. On January 9, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had considered claimant's written argument, the outcome of this decision would remain the same.

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: Hearing Decision 13-UI-07074 is affirmed.
Decisión de la Audiencia 13-UI-07074 queda confirmada.

Tony Corcoran and D. E. Larson;
Susan Rossiter, not participating

DATE of Service: January 22, 2014

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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.

NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante el Tribunal de Apelaciones de Oregon dentro de los 30 días siguientes a la fecha de notificación enumerados anteriormente. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la (Oregon Court of Appeals, Records Section) Corte de Apelaciones de Oregon, Sección de Registros, 1163 State Street, Salem, Oregon 97310, o visitando el sitio en el Internet en <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Nota: el vínculo anterior puede no funcionar debido a cambios sin previo aviso al sitio en el Internet de la Corte de Apelaciones, dándose el caso puede ponerse en contacto con el Registro de Apelaciones (Appellate Records) al (503) 986-5555.