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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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DS 005.00

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0055

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 24, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant but not for misconduct (decision # 144527). The employer filed a timely request for hearing. On November 29, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for December 17, 2013 at 9:30 a.m. On December 17, 2013, ALJ Holmes-Swanson issued Hearing Decision 13-UI-06723, dismissing the employer's request for hearing for failure to appear. On December 18, 2013, the employer filed a timely request to reopen the hearing. On January 7, 2014, ALJ Kangas reviewed the employer's request to reopen and issued Hearing Decision 14-UI-07838, denying the employer's request. On January 9, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

In the employer's written argument, the employer included information that was not part of the record before the ALJ. The employer failed to certify that a copy of the written argument was provided to the other parties as required. Under ORS 657.275 (2), OAR 471-041-0080 (October 29, 2006), and OAR 471-041-0090 (October 29, 2006), we did not consider the employer's written argument when reaching this decision.

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 14-UI-07838 is affirmed.

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

DATE of Service: January 15, 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.