

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0098

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 2, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 102501). Claimant filed a timely request for hearing. On November 21, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for December 10, 2013, at 8:15 a.m. On December 13, 2013, ALJ R. Frank issued Hearing Decision 13-UI-06495, dismissing claimant's request for hearing for failure to appear. On December 20, 2013, claimant filed a timely request to reopen the hearing. On January 3, 2014, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 14-UI-07730, denying claimant's request. On January 16, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his 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 14-UI-07730 is affirmed.

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

DATE of Service: January 23, 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.