

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0170

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On September 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct (decision #85901). Claimant filed a timely request for hearing. On November 7, 2013, the Office of Administrative Hearings issued notice of a hearing scheduled for November 25, 2013, at 9:30 a.m. On November 26, 2013 Administrative Law Judge (ALJ) Kirkwood issued Hearing Decision 13-UI-5302, dismissing claimant's request for a hearing for failure to appear. On December 18, 2013, claimant filed a timely request to reopen the hearing. ALJ Kangas reviewed claimant's request to reopen and on January 3, 2014, issued Hearing Decision 14-UI-07661, denying claimant's request. On January 17, 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.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 677.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 14-UI-07661 is affirmed.

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

DATE of Service: February 3, 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.