

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0244

Affirmed
Eligible Week 42-13
Ineligible Weeks 33-13 through 35-13, 41-13, 43-13 through 47-13

PROCEDURAL HISTORY: On August 26, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible for benefits (decision #160305). Claimant filed a timely request for hearing. On October 17, 2013, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for October 24, 2013. On October 24, 2013, ALJ Menegat issued Hearing Decision 13-UI-03227, dismissing claimant's request for hearing for failure to appear. On October 30, 2013, claimant filed a timely request to reopen the hearing. On November 26, 2013, ALJ Logan conducted a hearing. Claimant claimed unemployment insurance benefits for the periods of August 11, 2013 to August 31, 2013 (weeks 33-13 through 35-13), and October 6, 2013 to November 23, 2013 (weeks 41-13 through 47-13). These were the weeks at issue in the hearing. On December 5, 2013, the ALJ issued Hearing Decision 13-UI-05769, allowing claimant's request to reopen and concluding claimant was eligible for benefits for the period of October 13, 2013 to October 19, 2013 (week 42-13), and ineligible for benefits for the periods of August 11, 2013 to August 31, 2013 (weeks 33-13 through 35-13), October 6, 2013 to October 12, 2013 (week 41-13), and October 20, 2013 to November 23, 2013 (weeks 43-13 through 47-13). On December 9, 2013, claimant filed an application for review with the Employment Appeals Board (EAB). No adversely affected party requested review of the portion of Hearing Decision 13-UI-05769 allowing claimant's request to reopen, and EAB therefore confined its review to whether claimant was eligible for benefits. On January 8, 2014, EAB issued Appeals Board Decision 2013-EAB-2431, reversing Hearing Decision 13-UI-05769 and remanding this matter to OAH for another hearing.

On January 29, 2014, ALJ Logan conducted hearing, and on January 30, 2014 issued Hearing Decision 14-UI-09538 concluding claimant was eligible for benefits for week 42-13, and ineligible for benefits for weeks 33-13 through 35-13, 41-13, and weeks 43-13 through 47-13. On February 6, 2014, claimant filed an application for review of Hearing Decision 14-UI-09538 with EAB.

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-09538 is affirmed.

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

DATE of Service: March 10, 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.