

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0333

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 25, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 115644). Claimant filed a timely request for hearing. December 11, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for December 27, 2013 at 10:45 a.m. On January 3, 2014, ALJ Wyatt issued Hearing Decision 14-UI-07711, dismissing claimant's request for hearing for failure to appear. On January 17, 2014, claimant filed a timely request to reopen the hearing. ALJ Kangas reviewed claimant's request to reopen and on January 17, 2014, issued Hearing Decision 14-UI-10382, denying claimant's request. On February 25, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

In claimant's written argument, claimant included information that was not part of the hearing record. Claimant 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 claimant'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-10382 is affirmed.

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

DATE of Service: March 7, 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.