

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0420

Affirmed
Request to Reopen Dismissed

PROCEDURAL HISTORY: On August 15, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 133602). Claimant filed a timely request for hearing. On October 10, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled October 17, 2013 at 10:45 a.m. On October 17, 2013, ALJ Menegat issued Hearing Decision 13-UI-02805, dismissing claimant's request for hearing for failure to appear. On November 6, 2013, Hearing Decision 13-UI-02805 became final without an application for review having been filed. On February 20, 2014, claimant filed a late request to reopen the hearing. On March 7, 2014, ALJ Kangas reviewed claimant's late request to reopen and issued Hearing Decision 14-UI-11879, denying claimant's request. On March 17, 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. Even if we had, 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-11879 is affirmed.

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

DATE of Service: March 26, 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.