

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0473

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On December 12, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from November 3, 2013 through December 7, 2013 (decision # 83254). On December 19, 2013, claimant filed a timely request for hearing. On January 28, 2014, the Office of Administrative Hearings (OAH) mailed a notice of hearing to claimant's address of record on file with the Department.<sup>1</sup> On February 11, 2014, ALJ Vincent conducted a hearing at which claimant did not appear, and on February 12, 2014, issued Hearing Decision 14-UI-10220, dismissing claimant's request for hearing for failure to appear and advising that an appeal from that order had to be filed on or before March 4, 2014 to be timely "or else show that factors or circumstances beyond your reasonable control prevented you from filing your reopen request within that time." Hearing Decision 14-UI-10220 at 2. That decision also was mailed to claimant's address of record on file with the Department. On March 7, 2014, OAH received a letter from claimant that requested "another appointment", included a new address for claimant, but did not offer any explanation for claimant's late request to reopen. DR Exhibit 5. On March 19, 2014, ALJ Kangas reviewed the documents of record and issued Hearing Decision 14-UI-12885, denying claimant's request to reopen and concluding Hearing Decision 14-UI-10220 remained undisturbed, reasoning,

The appellant's request to reopen was filed more than 20 days after the hearing decision was issued. The appellant's request includes no explanation of why she did not file the reopening request within the 20 days allowed. The appellant therefore has not shown that an excusable

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<sup>1</sup> 620 NE Brazee St. Apt 56, Portland OR 97212. We take official notice of this fact, which is contained in Employment Department records. Any party that objects to our doing so must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(3) (October 29, 2006). Unless such objection is received and sustained, the noticed fact will remain in the record at EAB. This was claimant's address of record on file with OAH until claimant's letter on March 7, 2014. There is no evidence in the record to show if, or when, claimant provided a change of address to the Department or OAH before that date.

mistake or factors beyond her reasonable control caused her to fail to request reopening within the time allowed, so no good cause has been shown.

Hearing Decision 14-UI-12885 at 3. On March 25, claimant filed an application for review with the Employment Appeals Board (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-12885 is affirmed

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

**DATE of Service:** March 31, 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.