

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0566**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On November 8, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 102557). Claimant filed a timely request for hearing. On January 8, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for January 15, 2014, at 8:15 a.m. On January 15, 2014, ALJ Menegat issued Hearing Decision 14-UI-08585, dismissing claimant's request for hearing for failure to appear. On January 29, 2014, claimant filed a timely request to reopen the hearing. On March 4, 2014, OAH issued notice of a hearing scheduled for March 17, 2014, at 10:45 a.m. On March 17, 2014, ALJ Wipperman conducted a hearing at which claimant appeared and testified, and on March 20, 2014, issued Hearing Decision 14-UI-13060, denying claimant's request to reopen. On April 8, 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. 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-13060 is affirmed.

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

**DATE of Service:** April 9, 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.