

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0679

Affirmed
Request to Reopen Dismissed

PROCEDURAL HISTORY: On September 26, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$1,020.05 overpayment based on unreported earnings (decision # 193252). Claimant filed a timely request for hearing. On December 19, 2013, ALJ Seideman conducted a hearing at which claimant did not appear, and on December 30, 2013 issued Hearing Decision 13-UI-07323, dismissing claimant's request for hearing for failure to appear. That decision became final without appeal on January 21, 2014. On February 19, 2014, claimant submitted an untimely request to reopen the hearing. On March 25, 2014, ALJ Davis conducted a hearing, and on April 7, 2014 issued Hearing Decision 14-UI-14470, concluding that good cause for reopening the hearing had not been shown and that Hearing Decision 13-UI-07323 remained undisturbed. On April 25, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her 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.

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-14470 is affirmed.

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

DATE of Service: April 30, 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.