

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0685

*Application for Review Dismissed
Without Prejudice*

PROCEDURAL HISTORY: On February 21, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant but not for misconduct (decision # 134037). The employer filed a timely request for hearing. On April 4, 2014, ALJ Vincent conducted a hearing at which claimant failed to appear, and on April 25, 2014, issued Hearing Decision 14-UI-16187 concluding the employer discharged claimant for misconduct. On April 28, claimant filed a request to reopen the hearing with the Office of Administrative Hearings (OAH) and an application for review with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Claimant's application for review is dismissed without prejudice.

ORS 657.275 provides that EAB shall review the record of the case promptly and affirm, modify, or set aside the decision of the ALJ if the Director of the Department or any interested party files a timely application for review. However, it appears that claimant has initiated further proceedings at OAH and that this matter is not yet ripe for review. We therefore dismiss claimant's application for review without prejudice to allow the proceedings to be completed.

DECISION: The application for review filed April 28, 2014 is dismissed. Hearing Decision 14-UI-16187 remains undisturbed.

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.