

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0977

Affirmed
No Disqualification

PROCEDURAL HISTORY: On April 14, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 141526). Claimant filed a timely request for hearing. On May 12, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for May 27, 2014. On May 27, 2014, ALJ Murdock conducted a hearing in which the employer did not participate, and on May 29, 2014 issued Hearing Decision 14-UI-18546, concluding that claimant voluntarily left work with good cause. On June 6, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

With its written argument, the employer asks for a new hearing, explaining that it failed to receive notice of the hearing because the hearing notice was mailed to the wrong address. OAR 417-040-0015(1) (Notice of Hearing) (August 1, 2004) provides:

To afford all parties a reasonable opportunity for a fair hearing, notice of hearing setting forth the time, date, place, and issue(s) in general shall be personally delivered or mailed at least five days in advance of the hearing to parties or their authorized agents at their last known address as shown by the record of the Director.

A party that fails to appear at a hearing has been denied due process of law if notice of the hearing was not mailed to the absent party at the party's last known address as shown by the record of the Director. OAH mailed notice of the May 27 hearing to the following address, which is the address of record with the Department: South Wilsonville 76 Station, 30085 SW Parkway Ave, Wilsonville, OR 97070. Accordingly, the hearing notice was sent to the appropriate address in accordance with the provisions of OAR 417-040-0015(1) and the requirements of due process were satisfied.

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-18546 is affirmed.

Susan Rossiter and J.S. Cromwell;
Tony Corcoran, not participating.

DATE of Service: June 16, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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