

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-1009**

*Affirmed*  
*Request for Hearing Withdrawn*

**PROCEDURAL HISTORY:** On May 8, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 90124). Claimant filed a timely request for hearing. On May 29, 2014, ALJ R. Davis issued Hearing Decision 14-UI-18544, dismissing claimant's request for a hearing on the ground that claimant withdrew her hearing request. On June 10, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

The ALJ's conclusion that claimant withdrew her hearing request is supported by the record, which includes a May 28, 2014 "Memo to File / Telephone Record." This memo, written by an OAH employee, describes a telephone conversation the employee had with claimant in which claimant withdrew her request for a hearing. This document is marked as EAB Exhibit 1; a copy of this exhibit is included with this decision. A party that objects to the admission of EAB Exhibit 1 must submit any such objection to this office in writing, setting forth the basis of the objection, within ten days of the date on which this decision is mailed. Unless such objection is received and sustained EAB Exhibit 1 will remain part of the record.

EAB Exhibit 1 provides sufficient proof of claimant's withdrawal of hearing request. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision is **adopted**.

**DECISION:** Hearing Decision 14-UI-18544 is affirmed.

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

**DATE of Service:** June 17, 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](http://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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*NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros, (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en [court.oregon.gov](http://court.oregon.gov). En este sitio web, haga clic en “Help” para acceso a información en español.*

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