

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1073

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On April 17, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 135758). Claimant filed a timely request for hearing. On April 29, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for May 13, 2014, at 1:30 p.m. On May 5, 2014, the employer submitted 16 pages of documents to OAH described as “written evidence for the hearing”.<sup>1</sup> On May 13, 2014, ALJ Seideman issued Hearing Decision 14-UI-17497, dismissing claimant’s request for hearing for failure to appear. On June 2, 2014, claimant filed a timely request to reopen the hearing. On June 18, 2014, ALJ Kangas reviewed claimant’s request to reopen and issued Hearing Decision 14-UI-19857, denying claimant’s request. On June 20, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the employer’s written argument to the extent it was based on the record before the ALJ.

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-19857 is affirmed.

---

<sup>1</sup> Neither claimant nor the employer appeared for the hearing. On May 5, 2014, the employer requested its written evidence be introduced for the hearing. OAR 471-041-0090(1) (October 29, 2006) provides that EAB may consider information not received into evidence at the hearing if necessary to complete the record. The 16 page employer submission is relevant, and its admission into evidence is necessary to complete the record in this case. Accordingly, the employer’s submission, marked EAB Exhibit 1, is admitted into the record. Any party that objects to the admission of EAB Exhibit 1 into the record must submit such objection to this office in writing, setting forth the basis of the objection, within ten days of our mailing this decision. OAR 471-041-0090. Unless such objection is received and sustained, the exhibit will remain in the record.

**DATE of Service: July 1, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.