

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1443

Affirmed
Requests to Reopen Denied

PROCEDURAL HISTORY: On May 19, 2011, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 115426). On May 23, 2011, the Department served notice of an administrative decision assessing a \$6,529 overpayment, 52 penalty weeks, and a \$979.35 monetary penalty based on decision # 115426 and on unreported earnings. Claimant filed timely requests for hearing on both decisions.

On June 7, 2011, the Office of Administrative Hearings (OAH) issued two notices of hearings scheduled for June 14, 2011 at 10:45 a.m. and 12:00 p.m. Claimant did not appear at the hearings. On June 14, 2011, ALJ Naylor issued two hearing decisions, Hearing Decision 11-UIB-15006-D and Hearing Decision 11-UIB-15022-D, dismissing claimant's requests for hearing for failure to appear. On August 7, 2014, claimant filed two late requests to reopen the hearings. On August 14, 2014, ALJ Kangas reviewed claimant's requests to reopen and issued Hearing Decisions 14-UI-23362 and 14-UI-23403, denying claimant's requests. On September 3, 2014, claimant filed two applications 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.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-23362 and 14-UI-23403. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1442 and 2014-EAB-1443).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.¹

DECISION: Hearing Decisions 14-UI-23362 and 14-UI-23403 are affirmed. Hearing Decisions 11-UIB-15006-D and 11-UIB-15022-D remain undisturbed.

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

DATE of Service: September 12, 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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¹ In her written argument, claimant asked “[i]f there is nothing that the OAH can help me with who can I turn to?” Information regarding how to appeal this decision is included with this decision.