

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1488

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On July 16, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 134624). Claimant filed a timely request for hearing. On July 28, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for August 11, 2014 at 8:15 a.m. Claimant did not appear at the hearing. On August 11, 2014, ALJ Seideman issued Hearing Decision 14-UI-23140, dismissing claimant's request for hearing for failure to appear. Claimant requested reopening her hearing on August 20, 2014. ALJ Kangas reviewed claimant's request and on August 29, 2014 issued Hearing Decision 14-UI-24280 concluding that Hearing Decision 14-UI-23140 remained undisturbed. On September 15, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record. Claimant argued that two OAH documents dated July 28, 2014 "lacked specific and clear information". However, claimant admitted in her August 20, 2014 reopen request that she "only browsed through it (the notice of hearing) briefly" and that she didn't "fully" read the notice of hearing until noon on the day the hearing was scheduled. As the ALJ indicated in her decision, carefully reading the notice of hearing at the time she received it, and following its instructions, were within claimant's reasonable control.

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-24280 is affirmed. Hearing Decision 14-UI-23140 remains undisturbed.

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

**DATE of Service: September 25, 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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