

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1797

Affirmed
Request to Reopen Denied
Disqualification

PROCEDURAL HISTORY: On September 22, 2014, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 91539) concluding the employer discharged claimant for misconduct. Claimant filed a timely request for hearing. On October 6, 2014, the Office of Administrative Hearings (OAH) issued a notice of hearing scheduled for October 20, 2014 at 10:45 a.m. Claimant did not appear at the hearing. On October 20, 2014, ALJ Kirkwood issued Hearing Decision 14-UI-27178, dismissing claimant's requests for hearing for failure to appear. On October 21, 2014, claimant filed a timely request to reopen the hearing. On November 17, 2014, ALJ Murdock conducted a hearing and on November 20, 2014 issued Hearing Decision 14-UI-29041 denying claimant's request to reopen the hearing. On November 24, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his written argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented claimant from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence by the ALJ in reaching this decision. *See* ORS 657.275(2).

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-29041 is affirmed. Hearing Decision 14-UI-27178 remains undisturbed.

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

DATE of Service: December 8, 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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