

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1835

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On October 15, 2014, the Oregon Employment Department (the Department) served notice of two administrative decisions. Decision # 104621 concluded claimant was not available for work for the week of September 21 through September 27, 2014 (week 39-14). Decision # 103236 concluded the employer discharged claimant for misconduct. Claimant filed timely requests for hearing. On November 12, 2014, ALJ M. Davis conducted two hearings, and on November 14, 2014 issued Hearing Decisions 14-UI-28690 and 14-UI-28691, affirming the administrative decisions. On November 25, 2014, claimant filed applications for review of both hearing decisions 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). 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-28690 and 14-UI-28691. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1834 and 2014-EAB-1835).

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

DECISION: Hearing Decisions 14-UI-28690 and 14-UI-28691 are affirmed.

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.

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.