

**EMPLOYMENT APPEALS BOARD DECISION**

**2015-EAB-0059**

*Affirmed*  
*Request to Reopen Denied*  
*Disqualification*

**PROCEDURAL HISTORY:** On October 27, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 92941) concluding claimant was ineligible for unemployment benefits due to his retirement income exceeding his weekly benefit amount for the period of July 6, 2014 through August 18, 2014 (weeks 28-14 through 33-14). Claimant filed a timely request for hearing. On November 12, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for November 24, 2014 at 9:30 a.m. Claimant did not appear at the hearing. On November 24, 2014, 2014, ALJ Lohr issued Hearing Decision 14-UI-29220, dismissing claimant's hearing request for failure to appear. On December 10, 2014 claimant submitted a timely request to reopen his hearing. On January 2, 2015, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 15-UI-31220, denying claimant's request to reopen and leaving Hearing Decision 14-UI-29220 undisturbed. On January 22, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his 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 relevant to the reasons why claimant failed to appear at the November 24, 2014 hearing. Therefore, we did not consider the argument when reaching this decision.

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:** The request to reopen filed December 10, 2015 is dismissed. Hearing Decision 15-UI-31220 remains undisturbed.

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

**DATE of Service: January 27, 2015**

**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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