

EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0116

Affirmed
Request to Reopen Denied
Disqualification

PROCEDURAL HISTORY: On November 5, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 83614). Claimant filed a timely request for hearing. On December 16, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for December 23, 2014 at 3:30 p.m. Claimant did not appear at the hearing. On December 24, 2014, 2014, ALJ Clink issued Hearing Decision 14-UI-30909, dismissing claimant's hearing request for failure to appear. On January 15, 2015, Hearing Decision 14-UI-30909 became final without a request to reopen or an application for review with the Employment Appeals Board (EAB) having been filed. On January 16, 2015, claimant filed a late request to reopen. On February 2, 2015, ALJ Kangas reviewed claimant's late request to reopen and issued Hearing Decision 15-UI-32731, denying claimant's request and leaving Hearing Decision 14-UI-30909 undisturbed. On February 5, 2014, claimant filed an application for review with the 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. Even if we had, the outcome of this decision would remain the same because, although claimant's argument included information about why he missed the hearing, the argument did not include any information as to why he waited to file his request until after the filing deadline had passed. Because claimant did not establish good cause to extend the filing deadline, his reasons for missing the hearing cannot be addressed.

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 15-UI-32731 is affirmed. Hearing Decision 14-UI-30909 remains undisturbed.

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

DATE of Service: February 12, 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. 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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