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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

044
DS 005.00

EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0127

Affirmed
Request to Reopen Denied
Disqualification

PROCEDURAL HISTORY: On October 3, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 73526). Claimant filed a timely request for hearing. On November 14, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for November 21, 2014 at 3:30 p.m. Claimant did not appear at the hearing. On November 24, 2014, ALJ Wyatt issued Hearing Decision 14-UI-29368, dismissing claimant's hearing request for failure to appear. On December 12, 2014 claimant submitted a timely request to reopen her hearing. On January 15, 2015, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 15-UI-31862, denying claimant's request to reopen and leaving Hearing Decision 14-UI-29368 undisturbed. On January 30, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her 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.

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-31862 is affirmed. Hearing Decision 14-UI-29368 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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