

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0314

Affirmed
Request to Reopen Denied
Disqualification

PROCEDURAL HISTORY: On March 11, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 163649). Claimant filed a timely request for hearing. On April 7, 2014, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for April 22, 2014 at 8:15 a.m. Claimant did not appear at the hearing. On April 22, 2014, ALJ Triana issued Hearing Decision 14-UI-15703, dismissing claimant's hearing request for failure to appear. On May 12, 2014, Hearing Decision 14-UI-15703 became final without a request to reopen or an application for review with the Employment Appeals Board (EAB) having been filed.

On October 21, 2014, OAH issued a letter to claimant, informing him that the Department forwarded a telephonic request for reopening by claimant to OAH. The letter informed claimant he must provide a request in writing stating his request for a reopening and explaining why he missed his hearing. On November 21, 2014, claimant provided a written request.

On December 22, 2014, OAH issued notice of a hearing scheduled for January 9, 2015, at 1:30 p.m. Claimant did not appear at the hearing. On January 9, 2015, ALJ Wyatt issued Hearing Decision 15-UI-31630, dismissing claimant's hearing request for failure to appear. On January 15, 2015, claimant filed a request to reopen. On February 25, 2015, ALJ Wyatt conducted a hearing, and on February 27, 2015 issued Hearing Decision 15-UI-34313, denying claimant's request to reopen and leaving Hearing Decision 14-UI-15703 undisturbed. On March 19, 2015, claimant filed an application for review with the EAB.

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-34313 is affirmed. Hearing Decision 14-UI-15703 remains undisturbed.

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

DATE of Service: April 1, 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 Court of Appeals website at courts.oregon.gov. Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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