

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0512**

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

**PROCEDURAL HISTORY:** On December 17, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 73121) concluding the employer discharged claimant for misconduct. On January 6, 2015, decision # 73121 became final without a request for hearing having been filed. On January 29, 2015, claimant filed a late request for hearing. On February 4, 2015, ALJ Kangas issued Hearing Decision 15-UI-32856, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.<sup>1</sup>

On February 18, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On March 2, 2015, OAH issued a "Cancellation of Hearing Decision" for Hearing Decision 15-UI-32856. On March 4, 2015, OAH served notice of a hearing scheduled March 17, 2015 at 3:30 p.m. Claimant did not appear at the hearing. On March 18, 2015, ALJ Kirkwood issued Hearing Decision 15-UI-35284, dismissing claimant's request for hearing for failure to appear. On March 27, 2015, claimant filed a request to reopen her hearing with OAH and an application for review with the Employment Appeals Board (EAB).

On April 16, 2015, ALJ R. Davis conducted a hearing, and on April 24, 2015 issued Hearing Decision 15-UI-37503, denying claimant's request to reopen her hearing, and leaving Hearing Decision 15-UI-35284 undisturbed. On May 4, 2015, claimant filed an application for review with the 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). We considered only information received into

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<sup>1</sup> Hearing Decision 15-UI-32856.

evidence by the ALJ in reaching this decision. See ORS 657.275(2). Even if we had considered the written argument, our decision would remain the same for the reasons explained in Hearing Decision 15-UI-37503.

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-37503 is affirmed. Hearing Decision 15-UI-35284 remains undisturbed.

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

**DATE of Service:** May 7, 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](http://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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