

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0616

Reversed

PROCEDURAL HISTORY: On April 13, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 13224). Claimant filed a timely request for hearing. On April 22, 2015, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for May 6, 2015. Claimant failed to appear for the hearing and on May 8, 2015, ALJ Vincent issued Hearing Decision 2015-UI-32422, dismissing claimant's hearing request on the grounds that claimant withdrew the hearing request. On May 27, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

CONCLUSION AND REASONS: Hearing Decision 2015-UI-32422 should be reversed as unsupported by the record.

In Hearing Decision 2015-UI-32422, the ALJ erroneously concluded that claimant withdrew the hearing request and dismissed the hearing request for that reason. The record does not support this conclusion, however, because claimant failed to appear at the hearing. Audio at 10:00.

DECISION: Hearing Decision 15-UI-32422 is reversed.

Susan Rossiter and J.S. Cromwell;
D. P. Hettle, *pro tempore*, not participating.

NOTE: Because claimant's hearing request was dismissed for failure to appear at the hearing, the application for review must be treated by OAH as a request to reopen the hearing under OAR 471-040-0040(4)(February 10, 2012). If OAH denies the request to reopen, it must return the case to EAB and EAB will then review the merits of Hearing Decision 2015-UI-3422. The May 27, 2015 application for review will serve as the basis for EAB's review of the merits of that decision. *Id.*

DATE of Service: June 2, 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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