

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0724**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On March 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 74023). Claimant filed a timely request for hearing. On March 19, 2015, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for April 2, 2015 at 3:30 p.m. On April 2, 2015, ALJ R. Davis convened a hearing at which claimant failed to appear, and on April 3, 2015 issued Hearing Decision 15-UI-36277, dismissing claimant's request for hearing for failure to appear. On April 9, 2015, claimant filed a timely request to reopen. On April 15, 2015, ALJ Kangas issued Hearing Decision 15-UI-36906, denying claimant's request. On May 4, 2015, claimant filed an application for review of Hearing Decision 15-UI-36906 with the Employment Appeals Board (EAB). On May 14, 2015, EAB issued Appeals Board Decision 2015-EAB-0724, granting claimant's request to reopen and returning the matter to OAH for a hearing on the merits of decision #740223. On June 3, 2015, ALJ Triana conducted a hearing, and on June 8, 2015, issued Hearing Decision 15-UI-39713, concluding that the employer discharged claimant, not for misconduct. On June 12, 2015, claimant filed an application for review of Hearing Decision 15-UI-39713 with 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-39713 is affirmed.

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

**DATE of Service:** July 22, 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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