

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0819

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On April 20, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, not for misconduct (decision #131623). The employer filed a timely request for hearing. On May 7, 2015, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for May 19, 2015. On May 22, 2015, ALJ Vincent issued Hearing Decision 15-UI-38970, dismissing the employer's request for hearing for failure to appear. On June 18, 2015, the employer filed a late request to reopen the hearing. On June 23, 2015, ALJ Kangas issued Hearing Decision 15-UI-49524, dismissing the employer's request to reopen for failing to show good cause for its untimely filing as required under OAR 471-040-0040(2) (February 10, 2012). On July 6, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and the employer's written argument, in neither of which the employer explained why it filed its request to reopen late. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 15-UI-40524 is affirmed.

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

DATE of Service: July 10, 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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