

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0843**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On March 12, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from September 21 through December 20, 2014 (decision # 91324). Claimant filed a timely request for hearing. On April 6, 2015, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 16, 2015. On April 16, 2015, ALJ R. Frank issued Hearing Decision 15-UI-37006, dismissing claimant's request for hearing for failure to appear. On June 12, 2015, claimant filed a late request to reopen the hearing. On June 22, 2015, ALJ Kangas issued Hearing Decision 15-UI-40419, denying claimant's request. On July 13, 2015, claimant filed an application for review of Hearing Decision 15-UI-40419 with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his written argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). EAB therefore did not consider claimant's argument when reaching this decision.

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-40419 is affirmed.

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

**DATE of Service:** July 16, 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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