

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0895

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On March 30, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 95100). On April 20, 2015, decision #95100 became final without a request for hearing having been filed. On May 13, 2015, claimant filed an untimely request for hearing. On May 27, 2015, ALJ Kangas issued Hearing Decision 15-UI-39116, dismissing claimant's hearing request, subject to his right to renew the request by submitting an appellant questionnaire with 14 days of the date on which the decision was mailed. Claimant timely submitted his appellant questionnaire. By letter dated June 11, 2015, the Office of Administrative Hearings (OAH) cancelled Hearing Decision 15-UI-39116. On June 11, 2015, OAH issued notice of a hearing scheduled for June 25, 2015. On June 25, 2015, ALJ S. Lee issued Hearing Decision 15-UI-41692, dismissing claimant's hearing request for failure to appear. Claimant filed a timely request to reopen his hearing. On July 20, 2015, ALJ Kangas issued Hearing Decision 15-UI-41692, dismissing claimant's request to reopen. On July 23, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

With his application for review, claimant included a letter in which he provided information about the work separation that was the subject of decision #95100. Under OAR 471-041-0090 (October 29, 2006), EAB may consider new information if it is relevant and material to EAB's determination. Information about claimant's work separation is not relevant or material to the issue of whether claimant has good cause to reopen his hearing. We therefore did not consider this information.

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-41693 is affirmed.

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

DATE of Service: August 5, 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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