

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0915**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On May 22, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for testing positive for alcohol, which was a disqualifying act (decision # 75407). On May 26, 2015, claimant filed a timely request for hearing. On June 2, 2015, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for June 16, 2015. On June 16, 2015, ALJ Murdock issued Hearing Decision 15-UI-40148, dismissing claimant's hearing request for failure to appear at the hearing. On June 24, 2015, claimant filed a request to reopen the hearing. On July 9, 2015, ALJ Kangas issued Hearing Decision 15-UI-41278, denying claimant's request. On July 29, 2015, claimant filed an application for review of Hearing Decision 15-UI-41278 with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would remain the same for the reasons explained in Hearing Decision 15-UI-41278.

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-41278 is affirmed.

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

**DATE of Service:** July 30, 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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