

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0967

Affirmed
Disqualification

PROCEDURAL HISTORY: On March 30, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 134517). On April 20, 2015, decision # 134517 became final without a request for hearing having been filed. On May 14, 2015, claimant filed a late request for hearing. On May 29, 2015, ALJ Kangas issued Hearing Decision 15-UI-3920, dismissing claimant's late request for hearing, subject to claimant's right to renew the request by returning an appellant questionnaire within 14 days of the date on which the decision was mailed. Claimant returned the appellate questionnaire within 14 days. On June 12, 2015, the Office of Administrative Hearings (OAH) canceled Hearing Decision 15-UI-3920 and mailed notice of a hearing scheduled for June 29, 2015. On June 30, 2015, ALJ Messecar issued Hearing Decision 15-UI-40873, dismissing claimant's request for hearing for failure to appear. On July 8, 2015, claimant filed a request to reopen the hearing. On August 4, 2015, ALJ Frank conducted a hearing, and on August 5, 2015 issued Hearing Decision 15-UI-42573 allowing claimant's request to reopen, but dismissing claimant's late request for hearing. On August 12, 2015, claimant filed an application for review of Hearing Decision 15-UI-42573 with the Employment Appeals Board (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-42573 is affirmed.

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

DATE of Service: August 20, 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.