

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0969

Hearing Decision 15-UI-43046 Affirmed
Late Request for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On August 25, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant quit working for Express Employment Professionals without good cause (decision # 94230). On September 15, 2014, decision # 94230 became final without a request for hearing having been filed. On April 16, 2015, claimant filed a late request for hearing. On April 23, 2015, ALJ Kangas issued Hearing Decision 15-UI-37428, dismissing claimant's late request for hearing subject to claimant's right to renew the request by submitting answers to an appellant questionnaire by May 7, 2015. On May 1, 2015, the Office of Administrative Hearings (OAH) received claimant's answers. On May 5, 2015, OAH mailed claimant a letter canceling Hearing Decision 15-UI-37428, and notice of a hearing scheduled for May 26, 2015. On May 26, 2015, ALJ Monroe issued Hearing Decision 15-UI-39034, dismissing claimant's hearing request for failure to appear.

On June 1, 2015, claimant filed a request to reopen the hearing. On June 23, 2015, ALJ Murdock conducted a hearing. Claimant participated during a portion of the hearing, but, mid-way through, and before testifying, disconnected from the hearing line and did not reconnect. On June 24, 2015, ALJ Murdock issued Hearing Decision 15-UI-40581, denying claimant's request to reopen. On June 24, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On July 24, 2015, EAB issued EAB Decision 2015-EAB-0787, reversing Hearing Decision 15-UI-40581, and remanding this matter to OAH for further proceedings. On August 12, 2015, ALJ Murdock conducted a hearing, and on August 14, 2015 issued Hearing Decision 15-UI-43046, allowing claimant's request to reopen the May 26, 2015 hearing, but denying his late request for hearing on decision # # 94230. On August 18, 2015, claimant filed an application for review of Hearing Decision 15-UI-43046 with 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). The argument also did not contain information relevant and material to the issue currently before us, whether claimant had good cause for filing his request for hearing on decision # 94230 seven months late. EAB considered only information received

into evidence at hearing when reaching this decision. *See* ORS 657.275(2); OAR 471-041-0090 (October 29, 2006).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-43046 is **adopted**.

DECISION: Hearing Decision 15-UI-43046 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.

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