

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1062

Affirmed
Untimely Request to Reopen Denied

PROCEDURAL HISTORY: On June 18, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 111310). Claimant filed a timely request for hearing. On July 16, 2015, ALJ Frank issued Hearing Decision 15-UI-41545, dismissing claimant's hearing request for failure to appear. On August 5, 2015, Hearing Decision 15-UI-41545 became final, without an application for review or a request to reopen having been filed. On August 10, 2015, claimant filed an untimely request to reopen. On August 17, 2015, ALJ Kangas issued Hearing Decision 15-UI-43062, dismissing claimant's request to reopen as untimely. On September 2, 2015, claimant filed an application for review 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 471-041-0090(2)(a) (October 29, 2006). We therefore did not consider his argument in reaching this decision. Even if we had considered the argument, we would have reached the same decision. In his argument, claimant provided no explanation why his request to reopen was filed more than 20 days after the date on which the hearing decision was mailed, as required by OAR 471-040-0041(4) (February 10, 2012).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing record under review is **adopted**.

DECISION: Hearing Decision 15-UI-43062 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 10, 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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