

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1075**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On June 16, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 151214). Claimant filed a timely request for hearing. On July 8, 2015, ALJ Seideman issued Hearing Decision 15-UI-41192, dismissing claimant's hearing request for failure to appear. Claimant filed a timely motion to reopen. On August 18, 2015, ALJ Triana conducted a hearing, and on August 18, 2015, issued Hearing Decision 15-UI-43151, denying claimant's request to reopen. On September 4, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. See ORS 657.275(2).

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-43151 is affirmed.

Susan Rossiter and J. S. Cromwell

**DATE of Service:** September 16, 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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