

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1095

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On July 30, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 154638). Claimant filed a timely request for hearing. On August 18, 2015, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for August 24, 2015, at which time claimant failed to appear for the hearing. On August 24, 2015, ALJ M. Davis issued Hearing Decision 15-UI-43411, dismissing claimant's hearing request for failure to appear. On August 27, 2015, claimant filed a timely request to reopen. On September 2, 2015, ALJ Kangas reviewed claimant's request and issued Hearing Decision 15-UI-43821, denying claimant's request to reopen. On September 14, 2015, claimant filed an application for review 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 information contained in the argument was duplicative of the information in his reopen request, and would, therefore, not change the outcome of this decision.

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-43821 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 17, 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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