

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1226**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 26, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 144801). Claimant filed a timely request for hearing. On July 6, 2015, ALJ Lee conducted a hearing in which the employer did not participate, and on July 13, 2015, issued Hearing Decision 15-UI-41424, reversing the administrative decision and concluding that the employer discharged claimant, but not for misconduct. The employer filed a timely request to reopen. On August 18, 2015, ALJ S. Lee conducted a hearing in which claimant did not participate, and on August 25, 2015, issued Hearing Decision 15-UI-43440, granting the employer's request to reopen and concluding that the employer discharged claimant for misconduct. Claimant filed a timely motion to reopen. On October 8, 2015, ALJ Holmes-Swanson conducted a hearing, and on October 18, 2015, issued Hearing Decision 15-UI-45660 in which he granted claimant's request to reopen and concluded that the employer failed to show good cause for reopening the August 18, 2015 hearing. Also in Hearing Decision 15-UI-45660, the ALJ vacated Hearing Decision 115-UI-43440 and reinstated Hearing Decision 15-UI-41424. On October 16, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-45660 is **adopted**.

**DECISION:** Hearing Decision 15-UI-45660 is affirmed.

Susan Rossiter and J. S. Cromwell.

**DATE of Service: October 26, 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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