

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1265**

*Affirmed*  
*Ineligible*

**PROCEDURAL HISTORY:** On September 23, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (# 81307) concluding that claimant was not available for work from August 23 through September 19, 2015 (weeks 34-15 through 37-15). Claimant filed a timely request for hearing. On October 21, 2015, ALJ L. Lee conducted a hearing, and on October 22, 2015, issued Hearing Decision 15-UI-46400, concluding that claimant was not available for work from August 23 through October 17, 2015 (weeks 34-15 through 41-15).<sup>1</sup> On October 26, 2015, claimant 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), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 15-UI-46400 is affirmed.

Susan Rossiter and J. S. Cromwell.

**DATE of Service:** November 2, 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,

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<sup>1</sup> The ALJ assumed jurisdiction over the period of September 20, 2015 to October 17, 2015 (weeks 38-15 through 41-15). See Hearing Decision 15-UI-46400 at 1. However, the record shows that the ALJ took jurisdiction over additional weeks without first offering the parties the opportunity to waive notice or object to her doing so. On review, EAB also assumes jurisdiction over the additional weeks pursuant to ORS 657.275(2), and subject to the parties' right to notice and the opportunity to be heard. Any party that objects to our taking jurisdiction over weeks 38-15 through 41-15 must submit such objection to this office by requesting reconsideration of this decision within 20 days of our mailing this decision. OAR 471-041-0145(2)(b) (October 29, 2006). The request must be in writing, set forth the basis of the objection, and include a statement that a copy of the reconsideration has been provided to the other parties. OAR 471-041-0145.

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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