

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1283

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On August 13, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 80112). Claimant filed a timely request for hearing. On September 16, 2015, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for October 7, 2015 at 9:30 a.m. On October 7, 2015, ALJ Wyatt dismissed claimant's request for hearing for failure to appear at the time scheduled for the hearing. On October 20, 2015, claimant requested reopening. On October 22, 2015, ALJ Kangas reviewed claimant's request and issued Hearing Decision 15-UI-46403, denying claimant's request to reopen. On October 26, 2015, claimant filed an application for review of Hearing Decision 16-UI-46403 with the Employment Appeals Board (EAB).

With his application for review, claimant again asked that another hearing be scheduled because he missed the October 7th hearing. However, claimant's request to reopen may only be allowed if he showed good cause for missing the hearing. Claimant's failure to call in to participate at the scheduled time for the hearing was within his reasonable control, and, while likely the result of a mistake, it was not an excusable one. Therefore, as determined in Hearing Decision 15-UI-46403, which we adopt, as stated below, claimant did not show good cause to reopen the hearing and he may not have another hearing scheduled in this matter. Claimant's remaining arguments were not relevant to the reopen issue, so we need not and will not address them.

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-46403 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: November 6, 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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