

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1482

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for committing a disqualifying act (decision # 121750). Claimant filed a timely request for hearing. On October 21, 2015, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for November 4, 2015. On November 4, 2015, ALJ Seideman issued Hearing Decision 15-UI-47182, dismissing claimant's hearing request for failure to appear at the hearing. Claimant filed a timely request to reopen. On November 16, 2015, the OAH mistakenly issued a decision purporting to dismiss claimant's request to reopen. By letter dated December 8, 2015, the OAH vacated the November 16 hearing decision and issued an amended hearing decision, Hearing Decision 15-UI-48963, which denied claimant's request to reopen. Also on December 8, 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.

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-48963 is **adopted**.

DECISION: Hearing Decision 15-UI-48963 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: December 14, 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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