

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1530**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On September 16, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 160157). Claimant filed a timely request for hearing. On October 5, 2015, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for October 19, 2015. On October 19, 2015, ALJ M. Davis issued Hearing Decision 15-UI-46154, dismissing claimant's request for hearing for failure to appear at the hearing. On December 9, 2015, claimant filed an untimely request to reopen. On December 14, 2015, ALJ Kangas issued Hearing Decision 15-UI-49311, denying claimant's request to reopen as untimely. On December 28, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her 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 considered claimant's argument, it would not have changed the outcome of our decision. Claimant's written argument is identical to the one provided to the OAH in support of her request to reopen, and contains no explanation why her request to reopen was not timely filed as required by OAR 471-040-0041(4) (February 2, 2012).

EAB considered the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 15-UI-49311 is affirmed.

Susan Rossiter and J. S. Cromwell

**DATE of Service:** January 5, 2016

**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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