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State of Oregon  
**Employment Appeals Board**  
875 Union St. N.E.  
Salem, OR 97311

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**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0458**

*Affirmed*  
*Request to Reopen Dismissed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On August 31, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 113635). The employer filed a timely request for hearing. On November 19, 2015, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for December 3, 2015. On December 3, 2015, ALJ L. Lee issued Hearing Decision 15-UI-48735, dismissing the employer's request for hearing for failure to appear. On December 22, 2015, the employer filed a request to reopen the hearing. On January 14, 2016, OAH served notice of a hearing scheduled for February 2, 2016. On February 2, 2016, ALJ Frank issued Hearing Decision 16-UI-52170, dismissing the employer's request to reopen for failure to appear at the hearing. On February 19, 2016, the employer filed a request to reopen the hearing. On March 22, 2016, ALJ Frank conducted a hearing, and on March 30, 2016 issued Hearing Decision 16-UI-56136, dismissing the employer's request to reopen. On April 18, 2016, the employer filed an application for review of Hearing Decision 16-UI-56136 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and the employer's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-56136 is affirmed. The Department's decision # 113635 remains undisturbed.

Susan Rossiter and D. P. Hettle;  
J. S. Cromwell, not participating.

**DATE of Service:** April 26, 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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