

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0471

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On September 16, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged, but not for misconduct (decision # 94640). On September 17, 2015, the Department served notice of an administrative decision (decision # 155213) concluding that claimant was not available for work from August 9 through September 12, 2015 (weeks 32-15 through 36-15). Claimant filed timely requests for hearings. On October 19, 2015, the Office of Administrative Hearings issued notices of hearings scheduled for November 2, 2015. On November 2, 2015, ALJ M. Davis issued the following hearing decisions dismissing claimant's hearing requests for failure to appear at the hearings: Hearing Decision 15-UI-46989 dismissed claimant's hearing request on decision # 94640, and Hearing Decision 15-UI-46981 dismissed claimant's hearing request on decision # 155213. On November 23, 2015, both hearing decisions became final without a timely request to reopen or application for review having been filed. On March 14, 2016 claimant filed untimely requests to reopen. On April 6, 2016, ALJ Kangas issued the following hearing decisions denying claimant's requests to reopen: Hearing Decision 16-UI-56651 dismissed claimant's request to reopen the hearing on decision # 94640, and Hearing Decision 16-UI-56649 dismissed claimant request to reopen the hearing on decision # 155213. On April 21, 2016, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-56651 and 16-UI-56649. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0471 and 2016-EAB-0472).

EAB reviewed the records. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 16-UI-56649 and 16-UI-56651 are affirmed.

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

DATE of Service: May 4, 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. 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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