

EO: 990  
BYE: 201634

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

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AAA 005.00  
MC 000.00

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0765**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On April 19, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work during the week of February 14 through 20, 2016 (decision # 105237). Claimant filed a timely request for hearing. On May 4, 2016, the Office of Administrative Hearings (OAH) scheduled a hearing for May 18, 2016. Claimant failed to appear at the hearing. On May 18, 2016, ALJ Menegat issued Hearing Decision 16-UI-59871, dismissing claimant's request for hearing due to claimant's failure to appear. On May 31, 2016, claimant filed a timely request to reopen the hearing. On June 14, 2016, ALJ Kangas issued Hearing Decision 16-UI-61692, denying claimant's request to reopen. On June 24, 2016, claimant filed an application for review of Hearing Decision 16-UI-61692 with the Employment Appeals Board (EAB).

With her application for review, claimant submitted new information regarding her availability for work during the week at issue in decision # 105237. However, that information is not relevant and material to the issue before us: whether claimant's request to reopen the May 18, 2016 should have been denied. EAB therefore did not consider claimant's new information when reaching his decision. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

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 16-UI-61692 is affirmed.

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

**DATE of Service:** July 14, 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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