

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0823**

*Affirmed*  
*Requests to Reopen Denied*

**PROCEDURAL HISTORY:** On May 4, 2016, the Oregon Employment Department (the Department) served notice of the administrative decisions # 75542, concluding that Conagra Foods Lamb Weston Inc. discharged claimant for misconduct, and #74559, concluding that Collins Management Corporation discharged claimant for misconduct. Claimant filed timely requests for hearing. On May 16, 2016, the Office of Administrative Hearings issued notices of hearings scheduled for May 31, 2016. On June 1, 2016, ALJ Vincent issued the following hearing decisions which dismissed claimant's hearing requests for failure to appear at the May 31 hearings: Hearing Decision 16-UI-60814 dismissed claimant's hearing request on decision # 74559, and Hearing Decision 16-UI-60817 dismissed claimant's hearing request on decision # 75542. Claimant filed timely requests to reopen. On June 21, 2016, ALJ Kangas issued Hearing Decision 16-UI-62247, dismissing claimant's request to reopen the hearing on decision # 74559. On June 22, 2016, ALJ Kangas issued Hearing Decision 16-UI-62300, dismissing claimant's request to reopen the hearing on decision # 75542. On July 8, 2016, claimant filed applications for review of Hearing Decisions 16-UI-62247 and 16-UI-62300 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-62247 and 16-UI-62300. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0824 and 2016-EAB-0823).

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). The argument also contained information that was not part of the record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented claimant from offering the information to in his requests to reopen. *See* OAR 471-041-0090

(October 29, 2006). We therefore considered only information contained in the record when reaching this decision. *See* ORS 657.275(2).

EAB considered the entire record in these cases. On *de novo* review and pursuant to ORS 647.275(2), the hearing decisions under review are **adopted**.

**DECISION:** Hearing Decisions 16-UI-62247 and 16-UI-62300 are affirmed.

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

**DATE of Service: July 15, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.