

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-1048**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On July 7, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$2122 overpayment, \$530.50 monetary penalty and 15 penalty weeks (decision # 193254). Claimant filed a timely request for hearing. On August 2, 2016, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for August 17, 2016 at 10:45 a.m., at which claimant failed to appear. On August 17, 2016, ALJ Menegat issued Hearing Decision 16-UI-65811, dismissing claimant's hearing request for failure to appear. On August 20, 2016, claimant filed a timely request to reopen the hearing that included a written statement explaining the reasons claimant failed to appear at the August 17th hearing. On August 24, 2016, ALJ Kangas reviewed claimant's statement and issued Hearing Decision 16-UI-67221, denying claimant's request to reopen. On September 1, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

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). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would remain the same because claimant's argument restated the same reasons for missing the hearing that he provided to the ALJ, and, for the reasons explained in Hearing Decision 16-UI-67221, we agree with the ALJ that claimant did not show good cause to reopen the hearing, and his hearing request should be denied.

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-67221 is affirmed.

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

**DATE of Service:** September 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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