

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-1098**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On August 2, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 154756). Claimant filed a timely request for hearing. On August 15, 2016, the Office of Administrative Hearings issued notice of a hearing scheduled for August 30, 2016. On August 31, 2016, ALJ Wyatt issued Hearing Decision 16-UI-66664, dismissing claimant's hearing request for failure to appear at the August 30 hearing. Claimant filed a timely request to reopen. On September 15, 2016, ALJ Kangas issued Hearing Decision 16-UI-67534 denying claimant's request to reopen. On September 23, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her 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 the argument was substantively the same as her request to reopen, so the information she presented is already in the record, and we considered the record when reaching this decision.

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-67534 is affirmed.

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

**DATE of Service:** September 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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