

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0198

Affirmed
Ineligible Weeks 42-16 and 43-16

PROCEDURAL HISTORY: On November 16, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 105123) concluding that claimant failed to actively search for work from October 16 through 29, 2016 (weeks 42-16 and 43-16). Claimant filed a timely request for hearing. On December 2, 2016, the Office of Administrative Hearings issued notice of a hearing scheduled for December 16, 2016. On December 16, 2016, ALJ Shoemake issued Hearing Decision 16-UI-73148, dismissing claimant's hearing request for failure to appear at the hearing. Claimant filed a timely request to reopen. On January 25, 2017, ALJ Triana conducted a hearing, and on January 26, 2017, issued Hearing Decision 17-UI-75481, granting claimant's request to reopen and affirming administrative decision # 105123. On February 15, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

No adversely affected party requested review of the portion of Hearing Decision 16-UI-75481 that allowed claimant's request to reopen. Our decision therefore addresses only the issue of whether claimant actively sought work from October 16 through 29, 2016 in accordance with ORS 657.155(1)(c) and OAR 471-030-0036(5).

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

DECISION: Hearing Decision 17-UI-75481 is affirmed.

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

DATE of Service: February 23, 2017

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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