

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0327**

*Affirmed*  
*Ineligible*

**PROCEDURAL HISTORY:** On February 3, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from December 18, 2016 to January 7, 2017 (decision # 113123). Claimant filed a timely request for hearing. On March 7, 2017, ALJ Monroe conducted a hearing, and on March 9, 2017 issued Hearing Decision 17-UI-78608, affirming the Department's decision. On March 13, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** The ALJ wrote in Hearing Decision 17-UI-78608 that “[n]o exhibits were offered or admitted into evidence. The record shows, however, that the ALJ marked documents claimant offered into evidence as Exhibit 1, and admitted them into evidence. Audio recording at ~ 3:30-5:15; 22:10. We therefore considered Exhibit 1 when reaching this decision.

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 17-UI-78608 is affirmed.

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

**DATE of Service:** March 20, 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](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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