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BYE: 201710

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

727
JR 005.00
MC 000.00

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0363

Affirmed
Late Request to Reopen Dismissed

PROCEDURAL HISTORY: On July 15, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed without good cause to accept suitable work when offered (decision # 135032). Claimant filed a timely request for hearing. On August 9, 2016, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 23, 2016. On August 23, 2016, claimant failed to appear at the hearing, and on August 24, 2016 ALJ Wyatt issued Hearing Decision 16-UI-66206, dismissing claimant's request for hearing due to his failure to appear. On September 13, 2016, Hearing Decision 16-UI-66206 became final without claimant having filed a request to reopen the hearing. On February 7, 2017, claimant filed a late request to reopen the hearing. On March 7, 2017, ALJ Monroe conducted a hearing, and on March 8, 2017 issued Hearing Decision 17-UI-78413, dismissing claimant's request to reopen as untimely without good cause. On March 24, 2017, claimant filed a timely application for review of Hearing Decision 17-UI-78413 with the Employment Appeals Board (EAB).

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-78413 is affirmed.

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

DATE of Service: March 29, 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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