

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1179

Affirmed
No Disqualification

PROCEDURAL HISTORY: On July 11, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 155527). The employer filed a timely request for hearing. On September 18, 2017, ALJ Griffin conducted a hearing, and on September 19, 2017 issued Hearing Decision 17-UI-92845, affirming the Department's decision. On October 5, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer submitted written argument with its application for review but failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). We therefore did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would have remained the same. The employer argued only that it did everything required of it to ensure that it hired people whose criminal backgrounds did not disqualify them from being able to work for the employer as a caregiver, and not that claimant's failure pass a criminal background check after being hired by the employer was misconduct.

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-92845 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: November 3, 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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