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

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EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1187

Affirmed
Request to Reopen Allowed
No Disqualification

PROCEDURAL HISTORY: On June 2, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct, but that his wage credits were not subject to cancellation (decision # 73543). Claimant filed a timely request for hearing. On July 7, 2017, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for July 19, 2017, at which claimant failed to appear. On July 19, 2017, ALJ Sgroi issued Hearing Decision 17-UI-88345, dismissing claimant's request for hearing for failure to appear. On August 8, 2017, claimant filed a request to reopen. On September 1, 2017, OAH mailed notice of a hearing scheduled for September 15, 2017. On September 15 and September 20, 2017, ALJ Monroe conducted a hearing, and on September 22, 2017 issued Hearing Decision 17-UI-93166, allowing claimant's request to reopen and concluding claimant's discharge was not for misconduct. On October 11, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer 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). Therefore, we did not consider the argument 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-93166 is affirmed.

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

DATE of Service: November 14, 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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