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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-1235

Affirmed
Request to Reopen Granted
No Disqualification

PROCEDURAL HISTORY: On April 11, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 82320). The employer filed a timely request for hearing. On July 27, 2017, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 9, 2017. On August 9, 2017, the employer failed to appear at the hearing, and ALJ Amesbury issued Hearing Decision 17-UI-90024, dismissing the employers' request for hearing due to its failure to appear. On August 14, 2017, the employer requested that the hearing be reopened. On October 18, 2017, ALJ Murdock conducted a hearing, and on October 20, 2017 issued Hearing Decision 17-UI-95081, granting the employer's request to reopen and affirming the Department's decision that claimant's discharge was not for misconduct. On October 25, 2017, the employer filed a timely application for review of Hearing Decision 17-UI-95081 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-95081 is affirmed.

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

DATE of Service: November 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. 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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