

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1333**

*Affirmed*  
*Request to Reopen Granted*  
*Disqualification*

**PROCEDURAL HISTORY:** On September 1, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 95927). Claimant filed a timely request for hearing. On September 5, 2017, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 9, 2017. On October 9, 2017, claimant failed to appear at the hearing, and on October 10, 2017 ALJ Smith issued Hearing Decision 17-UI-94168, dismissing claimant's request for hearing due to her failure to appear. Claimant filed a request to reopen the hearing. On November 7, 2016, ALJ Griffin conducted a hearing, and on November 8, 2017 issued Hearing Decision 17-UI-96392, granting claimant's request to reopen the hearing and affirming the Department's decision that the employer discharged claimant for misconduct. On November 14, 2017, claimant filed a timely application for review of Hearing Decision 17-UI-96392 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-96392 is affirmed.

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

**DATE of Service:** December 11, 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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