

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1393**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On October 3, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from September 10 through 16, 2017 (decision # 92844). Claimant filed a timely request for hearing. On October 18, 2017, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 30, 2017. On October 30, 2017, claimant failed to appear at the hearing, and ALJ Amesbury issued Hearing Decision 17-UI-95697, dismissing claimant's request for hearing due to her failure to appear. On or about November 8, 2017, claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant's request for a reopening, and on November 15, 2017 issued Hearing Decision 17-UI-96845, denying the request. On November 30, 2017, claimant filed an application for review of Hearing Decision 17-UI-96845 with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and the written argument claimant submitted with her application for review. However, claimant's written argument contained information that she did not include in her November 8, 2017 request to reopen the October 30, 2017 hearing, and claimant failed to show that factors or circumstances beyond her reasonable control prevented her from including that information in her request. EAB therefore did not consider the new information contained in claimant's written argument when reaching this decision. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 17-UI-96845 is affirmed.

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

**DATE of Service:** December 6, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.