

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1402

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 26, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$296 overpayment, \$74 monetary penalty and 4 penalty weeks (decision # 19464). Claimant filed a timely request for hearing. On November 6, 2017, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for November 20, 2017, at which claimant failed to appear. On November 20, 2017, ALJ Clink issued Hearing Decision 17-UI-97245, dismissing claimant's request for hearing for failure to appear. On November 24, 2017, claimant filed a timely request to reopen. On November 30, 2017, ALJ Kangas issued Hearing Decision 17-UI-97908, denying claimant's request to reopen. On December 4, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

In his request to reopen, claimant argued that he missed the hearing because the ALJ failed to call him. With his application for review, claimant argued that he missed the hearing because he "was called on the wrong number." Claimant did not miss the hearing for either reason. He missed the hearing because the notice of hearing told him "you must call" into the hearing, and claimant did not call. The ALJ properly denied his request to reopen for that reason.

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-97908 is affirmed.

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

DATE of Service: December 7, 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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