

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1465

Affirmed
Requests to Reopen Allowed
Eligible Week 30-17, Ineligible Weeks 31-17 to 32-17

PROCEDURAL HISTORY: On September 7, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from July 23, 2017 to August 13, 2017 (decision # 95857). Claimant filed a timely request for hearing. On September 25, 2017, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for October 9, 2017, at which claimant failed to appear. On October 10, 2017, ALJ Amesbury issued Hearing Decision 17-UI-94110, dismissing claimant's hearing request for failure to appear. On October 14, 2017, claimant filed a request to reopen the October 9th hearing. On October 25, 2017, OAH mailed notice of a hearing scheduled for November 8, 2017, at which claimant failed to appear. On November 8, 2017, ALJ Amesbury issued Hearing Decision 17-UI-96399, dismissing claimant's hearing request for failure to appear. On November 13, 2017, claimant filed a request to reopen the November 8th hearing. On November 27, 2017, OAH mailed notice of a hearing scheduled for December 11, 2017. On December 11, 2017, ALJ Murdock conducted a hearing, at which claimant appeared, and on December 12, 2017 issued Hearing Decision 17-UI-98847, allowing claimant's requests to reopen the October 9th and November 8th hearings, and concluding that claimant did actively seek work from July 23, 2017 to July 29, 2017 (week 30-17) and was eligible for benefits that week, but did not actively seek work from July 30, 2017 to August 13, 2017 (weeks 31-17 to 32-17) and was ineligible for benefits for those weeks. On December 19, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's argument to the extent it was relevant and based upon evidence in the 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-98847 is affirmed.

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

DATE of Service: December 22, 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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