

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1497**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On September 22, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 133452). The employer filed a timely request for hearing. On December 7, 2017, ALJ Shoemake conducted a hearing, and on December 11, 2017 issued Hearing Decision 17-UI-98744, affirming the Department's decision. On December 29, 2017, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. The employer submitted written argument with its application for review but failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). We therefore did not consider the argument when reaching this decision. Even if we had, our decision would remain the same for the reasons stated in Hearing Decision 17-UI-98744, which, on *de novo* review and pursuant to ORS 657.275(2), is **adopted**.

**DECISION:** Hearing Decision 17-UI-98744 is affirmed.

J. S. Cromwell and D. P. Hettle;  
S. Alba, not participating.

**DATE of Service:** February 1, 2018

**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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