

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0096

Affirmed
Request for Hearing Dismissed

PROCEDURAL HISTORY: On January 12, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 72433). Claimant filed a timely request for hearing. On January 22, 2017, ALJ Kangas reviewed claimant's request and issued Hearing Decision 18-UI-101351, dismissing claimant's request for hearing as non-justiciable. On January 29, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).¹

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 18-UI-101351 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. Once on the website, use the

¹ Although claimant's request for hearing in this case was properly dismissed because it allowed her benefits, claimant still has another matter pending with the Office of Administrative Hearings (OAH) regarding a work separation with a different employer in which she has been denied benefits. It appears from Department records that OAH has opened a case about that matter and has scheduled a hearing. In other words, claimant's case in the other matter is still pending. If claimant has not received notice of the hearing scheduled in her other case, or if she has any questions about the other case or the hearing, claimant should contact the Office of Administrative Hearings immediately.

'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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