

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0241

Affirmed
Ineligible

PROCEDURAL HISTORY: On September 8, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from August 13, 2017 to August 26, 2017 (decision # 152737). Claimant filed a timely request for hearing. On October 11, 2017, ALJ R. Frank conducted a hearing on decision # 152737, and on October 13, 2017 issued Hearing Decision 17-UI-94514, concluding that claimant was not available for work from August 13, 2017 to September 30, 2017. On October 30, 2017, claimant filed an application for review of that decision with the Employment Appeals Board (EAB). On November 21, 2017, EAB issued EAB Decision 2017-EAB-1246, reversing Hearing Decision 17-UI-94514 and remanding the matter for additional evidence.

On November 22, 2017, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for December 14, 2017. On December 14, 2017, ALJ R. Frank attempted to convene a hearing, at which claimant failed to appear, and on December 15, 2017 issued Hearing Decision 17-UI-99080, again concluding claimant was not available for work from August 13, 2017 to September 30, 2017. On December 23, 2017, claimant filed an application for review of that decision with EAB. On December 28, 2017, EAB issued EAB Decision 2017-EAB-1477, reversing Hearing Decision 17-UI-99080 and remanding the matter for another hearing.

On January 4, 2018, OAH mailed notice of a hearing scheduled for January 17, 2018. On January 17, 2018, ALJ Frank attempted to convene at hearing, at which claimant failed to appear, and issued Hearing Decision 18-UI-101056, again concluding that claimant was not available for work from August 13, 2017 to September 30, 2017. On January 23, 2018, OAH vacated Hearing Decision 18-UI-101056, and on January 25, 2018 served notice of a hearing scheduled for February 8, 2018. On February 8, 2018, ALJ Frank conducted a hearing at which claimant appeared, and on February 16, 2018 issued Hearing Decision 18-UI-103425, again concluding that claimant was not available for work from August 13, 2017 to September 30, 2017. On March 7, 2018, claimant filed an application for review of Hearing Decision 18-UI-103425 with the Employment Appeals Board (EAB).

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-103425 is affirmed.

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

DATE of Service: April 3, 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 ‘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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