

---

EO: 200  
BYE: 201843

State of Oregon  
**Employment Appeals Board**  
875 Union St. N.E.  
Salem, OR 97311

525  
MC 000.00  
DS 005.00

---

<p><b>EMPLOYMENT APPEALS BOARD DECISION</b> <b>2018-EAB-0285</b></p>
--

*Affirmed*  
*Late Request to Reopen Denied*  
*Disqualification*

**PROCEDURAL HISTORY:** On December 7, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 143503). The employer filed a timely request for hearing. On December 21, 2017, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for January 4, 2018. On January 4, 2018, ALJ Logan conducted a hearing at which claimant failed to appear, and on January 5, 2018 issued Hearing Decision 18-UI-100357 concluding claimant's discharge was for misconduct. On January 25, 2018, Hearing Decision 18-UI-100357 became final without claimant having filed a timely application for review with the Employment Appeals Board (EAB). On January 31, 2018 and February 8, 2018, claimant filed with EAB and OAH a late application for review of Hearing Decision 18-UI-100357 and late request to reopen the January 4, 2018 hearing. On February 9, 2018, EAB issued Appeals Board Decision 2018-EAB-0103, reversing Hearing Decision 18-UI-100357 and remanding the matter to OAH for a hearing. On February 12, 2018, OAH mailed notice of a hearing scheduled for February 22, 2018. On February 22, 2018, ALJ Logan conducted a hearing, and on February 28, 2018 issued Hearing Decision 18-UI-104177, denying claimant's late request to reopen the hearing and concluding that claimant's discharge was for misconduct. On March 20, 2018, claimant filed a timely application for review with EAB.

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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-104177 is affirmed.

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

**DATE of Service:** March 27, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.