

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0335

Affirmed
Late Request to Reopen Dismissed

PROCEDURAL HISTORY: On October 27, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 145243). Claimant filed a timely request for hearing. On November 27, 2017, the Office of Administrative Hearings (OAH) scheduled a hearing for December 11, 2017. On December 11, 2017, claimant failed to appear at the hearing and ALJ Seideman issued Hearing Decision 17-UI-98749, dismissing claimant's request for hearing due to his failure to appear. On January 2, 2018, Hearing Decision 17-UI-98749 became final without claimant having filed a request to reopen the hearing. On February 23, 2018, claimant filed a late request to reopen the hearing. On March 20, 2018, ALJ Murdock conducted a hearing at which claimant appeared and participated, and on March 22, 2018 issued Hearing Decision 18-UI-105780, dismissing claimant's request to reopen the hearing as untimely without good cause. On April 6, 2018, claimant filed an application for review of Hearing Decision 18-UI-105780 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument, in which claimant asserted that he had good cause for failing to appear at the December 11, 2017 hearing. In Hearing Decision 18-UI-105780, however, the ALJ concluded that claimant failed to establish good cause for filing his request for a reopening late, and therefore did not address whether claimant had good cause for failing to appear at the December 11, 2017 hearing. We agree with the ALJ that claimant failed to establish good cause for filing his request for a reopening late. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 18-UI-105780 is affirmed.

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

DATE of Service: April 16, 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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