

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0458

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On February 15, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 61258). The employer filed a timely request for hearing. On March 19, 2018, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for April 2, 2018 at 10:45 a.m. Claimant requested postponement by telephone. On March 23, 2018, OAH mailed notice of a rescheduled hearing on April 16, 2018 at 8:15 a.m. On April 16, 2018, ALJ Snyder conducted a hearing, at which claimant failed to appear, and on April 20, 2018 issued Order No. 18-UI-107828, concluding the employer discharged claimant for misconduct. On April 21, 2018, claimant filed a timely request to reopen the hearing. On April 26, 2018, ALJ Kangas considered claimant's request and issued Order No. 18-UI-108166, denying the request. On May 2, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information admitted into the record when reaching this decision. *See* ORS 657.275(2).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

DECISION: Order No. 18-UI-108166 is affirmed.

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

DATE of Service: May 7, 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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