

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0469

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On February 22, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 75127). Claimant filed a timely request for hearing. On March 9, 2018, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for March 20, 2018, at which time claimant failed to appear. On March 20, 2018, ALJ Scott issued Order No. 18-UI-105524, dismissing claimant's hearing request for failure to appear. On April 9, 2018, Order No. 18-UI-105524 became final without claimant having filed a request to reopen the hearing. On April 20, 2018, claimant filed a late request to reopen the hearing that did not include a statement explaining why claimant filed the request to reopen late. On April 24, 2018, ALJ Kangas considered claimant's request and issued Order No. 18-UI-107956, denying claimant's late request to reopen. On May 3, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

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-107956 is affirmed.

J. S. Cromwell and S. Alba;
D. P. Hettle, 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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