

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0530

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On March 26, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from February 25 through March 17, 2018 (decision # 91048). Claimant filed a timely request for hearing. On April 10, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 24, 2018. On April 24, 2018, claimant failed to appear at the hearing, and ALJ McGorin issued Order No. 18-UI-108032, dismissing claimant's request for hearing due to his failure to appear. On May 3, 2018, claimant filed a timely request to reopen the hearing. ALJ Kangas reviewed claimant's request to reopen, and on May 9, 2018, issued Order No. 18-UI-108975, dismissing the request. On May 21, 2018, claimant filed an application for review of Order No. 18-UI-108975 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. With his application for review, claimant provided new information regarding his failure to appear at the April 24, 2018 hearing. However, claimant failed to show that factors or circumstances beyond his reasonable control prevented him from providing that information with his May 3, 2018 request to reopen the hearing. EAB therefore did not consider claimant's new information when reaching this decision. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

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

DECISION: Order No. 18-UI-108975 is affirmed.

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

DATE of Service: May 25, 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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