

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0619

Affirmed
Request to Reopen Dismissed

PROCEDURAL HISTORY: On March 21, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 85258). Claimant filed a timely request for hearing. On April 4, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for April 17, 2018. On April 17, 2018, claimant failed to appear at the hearing, and ALJ Snyder issued Order No. 18-UI-107509, dismissing claimant's request for hearing for failure to appear. Claimant filed a timely request to reopen the hearing. On May 10, 2018, OAH served notice of a hearing scheduled for May 24, 2018. On May 24, 2018, claimant failed to appear at the hearing, and ALJ Snyder issued Order No. 18-UI-110066, dismissing claimant's request for hearing for failure to appear. Claimant filed a timely request to reopen the May 24, 2018 hearing. ALJ Kangas reviewed claimant's request, and on June 12, 2018 issued Order No. 18-UI-111172, dismissing the request. On June 18, 2018, claimant filed a timely application for review of Order No. 18-UI-111172 with the Employment Appeals Board (EAB).

Claimant submitted written argument with her application for review. However, claimant's argument contained information that she did not offer into evidence with her request to reopen, and claimant failed to show that factors or circumstances beyond her reasonable control prevented her from doing so, as required under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006). EAB therefore did not consider claimant's new information when reaching this decision.

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-111172 is affirmed.
La Orden de la Audiencia 18-UI-111172 queda confirmada.

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

DATE of Service: June 22, 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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NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en courts.oregon.gov. En este sitio web, hay información disponible en español.

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