

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0706

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On April 11, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 75754). Claimant filed a timely request for hearing. On April 26, 2018, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for May 10, 2018, at which claimant failed to appear. On May 16, 2018, ALJ Wyatt issued Order No. 18-UI-109502, dismissing claimant's request for hearing for failure to appear. On June 5, 2018, Order No. 18-UI-109502 became final without claimant having filed a timely request to reopen the May 10th hearing. On June 18, 2018, claimant filed a late request to reopen the hearing. On June 25, 2018, ALJ Kangas reviewed claimant's request and issued Order No. 18-UI-111976, denying the request. On July 14, 2018, claimant filed an application for review of Order No. 18-UI-111976 with the Employment Appeals Board (EAB).

Claimant failed to certify that they provided a copy of their 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 them from offering the information earlier in these proceedings as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing 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-111976 is affirmed.

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

DATE of Service: July 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.