

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0826

Affirmed
Late Requests to Reopen Denied

PROCEDURAL HISTORY: On March 8, 2018, the Oregon Employment Department (the Department) served notice of administrative decision # 71048 concluding that claimant was not available for work from December 24 through 30, 2017; administrative decision # 74422 concluding that the employer suspended claimant for misconduct; and administrative decision # 81117 concluding that claimant quit working for the employer without good cause. Claimant filed timely requests for hearings. On April 4, 2018, the Office of Administrative Hearings (OAH) served notice of hearings scheduled for April 19, 2018. On April 19, 2018, claimant failed to appear at the hearings, and ALJ Griffin issued Orders No. 18-UI-107700, 18-UI-107713 and 18-UI-107714, dismissing claimant's requests for hearings due to his failure to appear. On May 9, 2018, Orders No. 18-UI-107700, 18-UI-107713 and 18-UI-107714 became final without claimant having requested to reopen the hearings.

On May 23, 2018, the Department served notice of administrative decision # 164825 concluding that claimant was overpaid \$837 in benefits that she must repay the Department. Claimant filed a timely request for hearing. On June 13, 2018, OAH served notice of a hearing scheduled for June 26, 2018. On June 26, 2018, claimant failed to appear at the hearing, and ALJ Scott issued Order No. 18-UI-112085, dismissing claimant's request for hearing due to her failure to appear. On July 16, 2018, Order No. 18-UI-112085 became final without claimant having filed a request to reopen the hearing.

On August 3, 2018, claimant filed late requests to reopen the April 19, 2018 and June 26, 2018 hearings. ALJ Kangas reviewed claimant's requests, and on August 8, 2018 issued Orders No. 18-UI-114561, 18-UI-114564, 18-UI-114565 and 18-UI-114566, denying the requests. On August 20, 2018, claimant filed applications for review of Orders No. 18-UI-114561, 18-UI-114564, 18-UI-114565 and 18-UI-114566 with the Employment Appeals Board (EAB). Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 18-UI-114561, 18-UI-114564, 18-UI-114565 and 18-UI-114566. For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2018-EAB-0824, 2018-EAB-0825, 2018-EAB-0826 and 2018-EAB-0827).

EAB considered all four hearing records and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the Orders under review are **adopted**.

DECISION: Order No. 18-UI-114561, 18-UI-114564, 18-UI-114565 and 18-UI-114566 are affirmed.

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

DATE of Service: August 30, 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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