

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0837

Affirmed
Requests to Reopen Denied

PROCEDURAL HISTORY: On May 21, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 101938). On May 22, 2018, the Department served notice of another administrative decision assessing a \$858 overpayment, \$214.50 monetary penalty and 10 penalty weeks (decision # 195835). Claimant filed timely requests for a hearing on both decisions.

On July 12, 2018, the Office of Administrative Hearings (OAH) mailed two notices of two hearings, one on decision # 101938 scheduled for July 26, 2018 at 9:30 a.m., and the other on decision # 195835 scheduled for July 26, 2018 at 10:45 a.m. Claimant did not appear for either hearing. On July 26, 2018, ALJ S. Lee issued Order No. 18-UI-113862, dismissing claimant's request for hearing on decision # 101938 for failure to appear. On July 30, 2018, ALJ S. Lee issued Order No. 18-UI-114003, dismissing claimant's request for hearing on decision # 195835 for failure to appear.

On August 10, 2018, claimant filed timely requests to reopen both July 26th hearings. On August 14, 2018, ALJ Kangas considered claimant's requests and issued Order No. 18-UI-114942, denying claimant's request to reopen the hearing on decision # 101938, and Order No. 18-UI-114950, denying claimant's request to reopen the hearing on decision # 195835. On August 23, 2018, claimant filed timely applications for review of Order Nos. 18-UI-114942 and 18-UI-114950 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order Nos. 18-UI-114942 and 18-UI-114950. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0837 and 2018-EAB-0838).

EAB reviewed the entire hearing records. On *de novo* review and pursuant to ORS 657.275(2), the Orders under review are **adopted**.

DECISION: Order Nos. 18-UI-114942 and 18-UI-114950 are affirmed.

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

DATE of Service: August 31, 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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