

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0869**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On June 11, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from May 6 through June 2, 2018 (decision # 154553). Claimant filed a timely request for hearing. On June 28, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for July 12, 2018. On July 12, 2018, claimant failed to appear at the hearing, and on July 13, 2018 ALJ Janzen issued Order No. 18-UI-113040, dismissing claimant's request for hearing for failure to appear. On August 2, 2018, Order No. 18-UI-113040 became final without claimant having filed a request to reopen the hearing. On August 13, 2018, claimant filed a late request to reopen the hearing. ALJ Kangas reviewed claimant's request, and on August 21, 2018 issued Order No. 18-UI-115300, dismissing the request as late without a showing of good cause. On September 5, 2018, claimant filed an application for review of Order No. 18-UI-115300 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. EAB did not consider claimant's written argument because she did not state that she served a copy of it to the employer, as required under OAR 471-041-0080 (October 29, 2006), and because the additional information contained in it was not relevant and material to the issue before us, which is whether claimant showed good cause for failing to request to reopen the hearing within the time allowed. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

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

**DECISION:** Order No. 18-UI-115300 is affirmed.

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

**DATE of Service:** September 11, 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](http://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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