

EO: 200
BYE: 201919

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

207
DS 005.00
MC 000.00

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0928

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On June 19, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 75013). The employer filed a timely request for hearing. On August 14, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 27, 2018 at 9:30 a.m. On August 27, 2018, the employer failed to appear at the hearing, and on August 28, 2018 ALJ Murdock issued Order No. 18-UI-11564, dismissing the employer's request for hearing due to its failure to appear. On September 4, 2018, the employer filed a timely request to reopen the hearing. ALJ Kangas reviewed the employer's request, and on September 6, 2018 issued Order No. 18-UI-116163, denying the request. On September 25, 2018, the employer filed an application for review of Order No. 18-UI-116163 with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. EAB also considered the written argument the employer submitted on October 10, 2018 to the extent it was based on the hearing record and relevant to the only issue before us, whether the employer had good cause for failing to appear at the August 27, 2018 hearing.

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

DECISION: Order No. 18-UI-116163 is affirmed.

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

DATE of Service: October 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. 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.