

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-1012**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On September 10, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 153037). Claimant filed a timely request for hearing. On September 21, 2018, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for October 3, 2018 at 4:30 p.m. On October 3, 2018, ALJ R. Frank conducted a hearing, at which the employer failed to appear, and on October 11, 2018 issued Order No. 18-UI-118060, concluding the employer discharged claimant, but not for misconduct. On October 23, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** The Department mailed notice of decision # 153037 to the employer at its address of record with the Department, care of Peoplesystems at P.O. Box 4816 in Syracuse, New York. OAH mailed notice of the October 3, 2018 hearing to the employer at a street address on Swift Boulevard in Richland, Washington. On October 1, 2018, OAH received the copy of the notice mailed to the employer labeled by the U.S. Postal Service as “Return to Sender Not Deliverable as Addressed Unable to Forward.”

**CONCLUSIONS AND REASONS:** The employer was not provided with legally sufficient notice of the October 3<sup>rd</sup> hearing; this matter should therefore be reversed and remanded for a new hearing on the merits of decision # 153037.

OAR 471-040-0015(1) requires that OAH provide parties with notice of a hearing “at their last known address as shown by the record of the Director.” In this case, the employer’s address of record with the Department was care of Peoplesystems in Syracuse, New York. OAH instead sent notice of the hearing to the employer at a street address in Richland, Washington. Because OAH did not provide the employer with the notice required by OAR 471-040-0015(1), the employer received legally inadequate notice of the October 3<sup>rd</sup> hearing. The employer is entitled to legally sufficient notice of the hearing and a meaningful opportunity to be heard. This matter therefore must be reversed, and remanded for a new hearing and hearing decision.

**DECISION:** Order No. 18-UI-118060 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service: November 1, 2018**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 18-UI-118060 or return this matter to EAB. Only a timely application for review of the subsequent Order will cause this matter to return to EAB.

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