

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0079

Affirmed
Late Response

PROCEDURAL HISTORY: On May 1, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from March 10, 2013 through April 13, 2013 (decision # 85825). On May 21, 2013, decision # 85825 became final without a request for hearing having been filed. On October 29, 2013, claimant filed an untimely request for hearing. On November 25, 2013, ALJ Kangas issued Hearing Decision 13-UI-05178, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On December 9, 2013, the deadline for filing a response to Hearing Decision 13-UI-05178 expired. On December 10, 2013, the Office of Administrative Hearings received claimant's response. On December 26, 2013, ALJ S. Lee issued a letter order, docket number _____ stating claimant's response was late and would not be considered.² On January 13, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 13-UI-05178 is affirmed.

Susan Rossiter and Tony Corcoran;
D. E. Larson, not participating.

DATE of Service: January 22, 2014

¹ Hearing Decision 13-UI-05178.

² The Office of Administrative Hearing did not assign a docket number to the case under review.

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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.