

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0099

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On September 16, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 102732). On October 7, 2013, decision # 102732 became final without a request for hearing having been filed. On November 12, 2013, claimant filed a late telephone request for hearing. On December 10, 2013, ALJ Kangas issued Hearing Decision 13-UI-06010, 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 19, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On January 13, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-08433, again dismissing claimant's request for a hearing. On January 16, 2014, claimant filed an application for review.

In claimant's written argument, claimant included information that was not part of the record before the ALJ. Claimant failed to certify that a copy of the written argument was provided to the other parties as required. Under ORS 657.275 (2), OAR 471-041-0080 (October 29, 2006), and OAR 471-041-0090 (October 29, 2006), we did not consider claimant's written argument when reaching this decision.

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 14-UI-08433 is affirmed.

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

¹ Hearing Decision 13-UI-06010.

DATE of Service: January 23, 2014

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.