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

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<p>EMPLOYMENT APPEALS BOARD DECISION 2014-EAB-0169</p>
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Affirmed
Late Request for hearing Dismissed

PROCEDURAL HISTORY: On November 21, 2011, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for committing a disqualifying act (decision # 133846). On December 12, 2011, decision #133846 became final without a request for hearing having been filed. On November 15, 2013, claimant filed a request for hearing. On December 10, 2013, ALJ Kangas issued hearing Decision 13-UI-06038, 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 24, 2013, the deadline for filing a response to Hearing Decision 13-UI-06308 expired. On January 3, 2014, the Department received claimant's response. On January 10, 2014, the Office of Administrative Hearings issued a letter order stating that claimant's response to Hearing Decision 13-UI-06308 was late and would not be considered. On January 28, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB has 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-06038 is affirmed.

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

DATE of Service: February 11, 2014

¹ Hearing Decision 13-UI-06038.

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.