

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0171

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On March 22, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from May 27, 2012 to February 23, 2013 (decision # 81130). On April 11, 2013, decision # 81130 became final without a request for hearing having been filed. On November 13, 2013, claimant filed a request for hearing. On December 5, 2013, ALJ Kangas issued Hearing Decision 13-UI-05761, 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 9, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-08198, re-dismissing claimant's request for hearing. On January 21, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was based on the record before the ALJ.

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-08198 is affirmed.

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

DATE of Service: January 31, 2014

¹ Hearing Decision 13-UI-05761.

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.