

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0194**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On October 15, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant but not for misconduct (decision # 103839). On November 4, 2013, decision # 103839 became final without a request for hearing having been filed. On November 5, 2013, the employer filed a request for hearing. On December 4, 2013, ALJ Kangas issued Hearing Decision 13-UI-05666, 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.<sup>1</sup> On December 10, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On December 23, 2013, OAH issued a letter entitled, "Cancellation of Hearing Decision." On December 26, 2013, OAH issued notice of a hearing scheduled for January 10, 2014 at 9:30 a.m. On January 10, 2014, ALJ Holmes-Swanson conducted a hearing in which the employer appeared and testified, and on January 16, 2014, issued Hearing Decision 14-UI-08605, re-dismissing the employer's request for hearing as untimely. On January 30, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had considered the employer's written argument, the outcome of this decision would remain the same.

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-08605 is affirmed.

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<sup>1</sup> Hearing Decision 13-UI-05666.

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

**DATE of Service: February 10, 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.