

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0337

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On December 4, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 121516). On December 24, 2013, decision # 121516 became final without a request for hearing having been filed. On February 14, 2014, claimant filed a late request for hearing. ALJ Kangas reviewed claimant's late request for hearing on February 24, 2014, and issued Hearing Decision 14-UI-10959, dismissing claimant's request. On February 28, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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. Even if we had, 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-10959 is affirmed.

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

DATE of Service: March 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.