

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0338

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On June 28, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was employed full-time and was not unemployed (decision # 90130). On July 18, 2013, decision # 90130 became final without a request for hearing having been filed. On November 26, 2013, claimant filed a late request for hearing. On December 13, 2013, ALJ Kangas issued Hearing Decision 13-UI-06414, 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 18, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On January 28, 2014, OAH issued notice of a hearing scheduled for February 11, 2014. On February 11, 2014, ALJ Clink conducted an interpreted hearing at which claimant appeared and testified, and on February 24, 2014, issued Hearing Decision 14-UI-10954, re-dismissing claimant's late request for hearing. On February 27, 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 hearing record. 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 considered claimant'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-10954 is affirmed.

¹ Hearing Decision 13-UI-06414.

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

DATE of Service: March 20, 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.