

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0533

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On November 5, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 161815). On November 25, 2013, decision # 161815 became final without a request for hearing having been filed. On January 16, 2014, claimant filed a late telephone request for hearing. On January 29, 2014, ALJ Kangas issued Hearing Decision 14-UI-09382, 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 February 6, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On March 5, 2014, OAH issued a letter entitled, "Cancellation of Hearing Decision." On March 25, 2014, ALJ McGorin conducted a hearing at which claimant appeared and testified, and on March 28, 2014 issued Hearing Decision 14-UI-13745, allowing claimant's late request for hearing but affirming the Department's decision. On April 1, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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-13745 is affirmed.

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

DATE of Service: April 16, 2014

¹ Hearing Decision 14-UI-09382.

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.