

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0624

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 # 161519). On December 24, 2013, decision # 161519 became final without a request for hearing having been filed. On December 29, 2013, claimant filed a request for hearing. On January 17, 2014, ALJ S. Lee issued Hearing Decision 14-UI-08841, 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 January 28, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On March 17, 2014, OAH issued notice of a hearing scheduled for April 1, 2014. On April 1, 2014, ALJ Vincent conducted a hearing at which claimant appeared and testified and on April 9, 2014, issued Hearing Decision 14-UI-14755, dismissing claimant's request for hearing as untimely. On April 16, 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-14755 is affirmed.

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

DATE of Service: April 24, 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

¹ Hearing Decision 14-UI-08841.

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.