

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0806

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On January 29, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for committing a disqualifying act (decision # 101214). On February 18, 2014, decision # 101214 became final without a request for hearing having been filed. On February 25, 2014, claimant filed an untimely request for hearing. On March 13, 2014, ALJ Kangas issued Hearing Decision 14-UI-12408, 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 March 26, 2014, the Office of Administrative Hearings (OAH) received claimant's response. ALJ Kangas reviewed claimant's response and on April 23, 2014, issued Hearing Decision 14-UI-15796, re-dismissing claimant's request for hearing. On April 28, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his 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, 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-15796 is affirmed.

Susan Rossiter and J. S. Cromwell, *pro tempore*;
D. E. Larson and Tony Corcoran, not participating.

DATE of Service: May 20, 2014

¹ Hearing Decision 14-UI-12408.

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.