

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0987

Affirmed
Disqualification

PROCEDURAL HISTORY: On March 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 74106). On April 14, decision #74106 became final without a request for hearing having been filed. On April 18, 2014, claimant filed an untimely request for hearing. On April 30, 2014, ALJ Kangas issued Hearing Decision 13-UI-16470, 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 May 14, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On June 3, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-18846, dismissing claimant's request for hearing. On June 9, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record. In her written argument, claimant contends: "In reference to the 20 day time limit, I was under the impression that it was 20 business days, not 20 calendar days. That is not specified in the letter..." Page two of the administrative decision states: "Any appeal from this decision must be filed on or before April 14, 2014 to be timely." Claimant filed her request for hearing on April 18, 2014.

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-18846 is affirmed.

Susan Rossiter and Tony Corcoran;
J. S. Cromwell, not participating.

¹ Hearing Decision 13-UI-16470

DATE of Service: July 3, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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