

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1281

Affirmed
Late Requests for Hearing Denied

PROCEDURAL HISTORY: On May 15, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions: one concluding claimant was not available for work from April 27, 2014 to May 3, 2014 (week 18-14) (decision # 83710); and one concluding claimant voluntarily left work without good cause (decision # 81813). On June 4, 2014, decisions # 83710 and # 81813 became final without requests for hearing having been filed. On June 11, 2014, claimant filed late requests for hearing.

On June 17, 2014, ALJ Kangas issued Hearing Decisions 14-UI-19775 and 14-UI-19779, dismissing claimant's requests for hearing as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decisions within 14 days of the date the decision was mailed.¹ On June 25, 2014, the Office of Administrative Hearings received claimant's response. On July 10, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decisions 14-UI-21236 and 14-UI-21235 redissuing claimant's requests for hearing as untimely. On July 29, 2014, claimant filed two applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-21236 and 14-UI-21235. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-UI-1280 and 2014-UI-1281).

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.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

¹ Hearing Decisions 14-UI-19775 and 14-UI-19779.

DECISION: Hearing Decisions 14-UI-21236 and 14-UI-21235 are affirmed.

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

DATE of Service: July 31, 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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