

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1502

Affirmed
Late Response

PROCEDURAL HISTORY: On December 27, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from September 22, 2013 through October 5, 2013 (weeks 39-13 and 40-13) (decision # 102828). On January 16, 2014, decision # 102828 became final without a request for hearing having been filed. On July 23, 2014, claimant filed an untimely request for hearing. On July 30, 2014, ALJ Kangas issued Hearing Decision 14-UI-22495, 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 August 13, 2014, the deadline for filing a response to Hearing Decision 14-UI-22495 expired. On August 18, 2014, the Office of Administrative Hearings received claimant's response. On September 2, 2014, ALJ Kangas issued a letter order stating claimant's response was late and would not be considered, and that Hearing Decision 14-UI-22495 would remain in effect. On September 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.

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-22495 is affirmed.

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

¹ Hearing Decision 14-UI-22495

DATE of Service: September 25, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.