

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1884

*Affirmed
Disqualification*

PROCEDURAL HISTORY: On September 10, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for all suitable work (decision # 153010). On September 30, 2014, decision # 153010 became final without a request for hearing having been filed. On October 8, 2014, claimant filed a late request for hearing. On October 21, 2014, ALJ Kangas issued Hearing Decision 14-UI-27238, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On October 27, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On November 6, 2014, the OAH issued a letter titled "Cancellation of Hearing Decision" regarding Hearing Decision 14-UI-27238. On November 15, 2014, ALJ Wyatt conducted a hearing, and on November 26, 2014 issued Hearing Decision 14-UI-29379, affirming the Department's decision. On December 11, 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-29379 is affirmed.

DATE of Service: December 15, 2014

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

¹ Hearing Decision 14-UI-27238

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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