

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1918

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On October 16, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 153545). On November 5, 2014, decision # 153545 became final without a request for hearing having been filed. On November 18, 2014, claimant filed an untimely request for hearing. On November 25, 2014, ALJ Kangas issued Hearing Decision 14-UI-29364, 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 December 15, 2014, the Office of Administrative Hearings (OAH) received claimant's late response. On December 15, 2014, claimant filed an application for review of Hearing Decision 14-UI-29364 with the Employment Appeals Board (EAB).

By letter dated December 18, 2014, the Office of Administrative Hearings (OAH) informed claimant that his response to the "Appellant Questionnaire" was late, and that Hearing Decision 14-UI-29364 remained in effect.

In his application for review claimant provided no specific details regarding why he responded to the appellant questionnaire when he did. Without any explanation, we have no evidence that would support a conclusion that the content of claimant's response to the appellant questionnaire should be considered despite having been submitted after the deadline had passed.²

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-29364 remains undisturbed.

¹ Hearing Decision 14-UI-29364

² The deadline for response to the Appellant Questionnaire was December 9, 2014. OAH received claimant's response on December 15, 2014.

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

DATE of Service: December 22, 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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