

## EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0068

*Affirmed  
Disqualification*

**PROCEDURAL HISTORY:** On October 22, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 75804) concluding claimant was not available for work from September 28 through October 11, 2014 (weeks 40-14 and 41-14). On November 12, 2014, administrative decision # 75804 became final without a request for hearing having been filed. On December 23, 2014, claimant filed a late request for hearing. On December 31, 2014, ALJ Kangas issued Hearing Decision 14-UI-31171, 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.<sup>1</sup> On January 7, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On January 14, 2015, ALJ Kangas reviewed claimant's response and issued Hearing Decision 15-UI-31823, re-dismissing claimant's December 23, 2014 request for hearing. On January 26, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

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 15-UI-31823 is affirmed.

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

**DATE of Service:** January 28, 2015

**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,

<sup>1</sup> Hearing Decision 14-UI-31171

Oregon 97310 or visit the website at [court.oregon.gov](http://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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