

EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0073

Affirmed
Late Requests for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On September 15, 2014, the Oregon Employment Department (the Department) served notice of three administrative decisions (decisions # 73529, # 74251, # 74627) concluding claimant did not actively seek work for the periods of March 30 to April 25, 2014, May 4 to May 10, 2014, and June 1 to June 7, 2014 (weeks 14-14 through 17-14, 19-14, and 23-14). On October 6, 2014, decisions # 73529, # 74251, and # 74627 became final without requests for hearing having been filed. On October 30, 2014, claimant filed untimely requests for hearing on these decisions. On November 17, 2014, ALJ Kangas issued Hearing Decisions 14-UI-28798, 14-UI-28812 and 14-UI-28805, dismissing claimant's requests for hearing as untimely, subject to claimant's "right to renew" the requests by submitting responses to the "Appellant Questionnaire" attached to the hearing decisions within 14 days of the date the decisions were mailed.¹ On November 19 and November 24, 2014, the Office of Administrative Hearings (OAH) received claimant's responses.

On December 19, 2014, OAH issued three notices, "Cancellation of Hearing Decision" for Hearing Decisions 14-UI-28798, 14-UI-28812 and 14-UI-28805. On January 20, 2015, ALJ Wymer conducted a consolidated hearing, and on January 21, 2015 issued Hearing Decisions 15-UI-32117, 15-UI-32118, and 15-UI-32119, dismissing claimant's October 30, 2014 requests for hearing and leaving the Department's decisions # 73529, # 74251, and # 74627 undisturbed. On January 27, 2015, claimant filed 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-28798, 14-UI-28812 and 14-UI-28805. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2015-EAB-0072, 2015-EAB-0073 and 2015-EAB-0074).

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

¹ Hearing Decisions 14-UI-28798, 14-UI-28812 and 14-UI-28805.

DECISION: Hearing Decisions 14-UI-28798, 14-UI-28812 and 14-UI-28805 are affirmed. Administrative decisions # 73529, # 74251, and # 74627 remain undisturbed.

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

DATE of Service: February 17, 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, 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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