

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0308

Affirmed
Late Request for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On December 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant committed a disqualifying act (decision # 72432). On January 13, 2015, decision # 72432 became final without a request for hearing having been filed. On January 15, 2015, claimant filed a late request for hearing. On February 10, 2015, ALJ Kangas issued Hearing Decision 15-UI-33238, dismissing claimant's request for hearing on decision # 72432 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 February 23, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On March 4, 2015, ALJ Kangas reviewed claimant's response and issued Hearing Decision 15-UI-34480, cancelling Hearing Decision 15-UI-33238, and re-dismissing claimant's January 15, 2015 request for hearing. On March 13, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her written argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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-34480 is affirmed.

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

¹ Hearing Decision 15-UI-33238.

DATE of Service: March 30, 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 Court of Appeals website at courts.oregon.gov. Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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