

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0325**

*Affirmed*  
*Late Requests for Hearing Dismissed*  
*Penalty Weeks Imposed*

**PROCEDURAL HISTORY:** On July 22, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 171204) concluding claimant was not available for work for the period of July 6, 2014 through July 19, 2014 (weeks 28-14 and 29-14). On August 11, 2014, decision # 171204 became final without a request for hearing having been filed. On August 13, 2014, the Department served notice of an administrative decision (decision # 195857) imposing 52 penalty weeks based on decision # 171204. On September 2, 2014, decision # 195857 became final without a request for hearing having been filed. On December 31, 2014, claimant filed late requests for hearing on both decisions.

On January 13, 2015, ALJ Kangas issued Hearing Decisions 15-UI-31730 and 15-UI-31746, dismissing claimant's requests for hearing on both decisions as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decisions within 14 days of the date the decisions were mailed.<sup>1</sup> On January 21, 2015, the Office of Administrative Hearings (OAH) received claimant's response to Hearing Decisions 15-UI-31730 and 15-UI-31746.<sup>2</sup>

On February 4, 2015, OAH issued a "Cancellation of Hearing Decision" on Hearing Decision 15-UI-31730. On February 25, ALJ Monroe held a hearing and on March 4, 2015 issued Hearing Decision 15-UI-34452, dismissing claimant's December 31, 2014 request for hearing. On March 17, 2015, ALJ Kangas reviewed claimant's response to the "Appellant Questionnaire" for Hearing Decision 15-UI-31746, and issued Hearing Decision 15-UI-35216, cancelling Hearing Decision 15-UI-31746, and re-

<sup>1</sup> Hearing Decisions 15-UI-31730 and 15-UI-31746.

<sup>2</sup> On March 16, 2015, OAH found, and added to claimant's file, additional information submitted by claimant on January 9, 2015. Hearing Decision 15-UI-35216 at 1.

dismissing claimant's December 31, 2014 request for hearing. On March 20, 2015 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 15-UI-34452 and 15-UI-35216. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0325 and 2015-EAB-0326).

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

**DECISION:** Hearing Decisions 15-UI-34452 and 15-UI-35216 are affirmed.

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

**DATE of Service:** April 1, 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](http://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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