

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0354

Affirmed
Ineligible

PROCEDURAL HISTORY: On January 26, 2015, the Oregon Employment Department (the Department) served notice of two administrative decisions (decisions # 92541 and # 92249) concluding claimant did not file his claim in accordance with the rules prescribed by the Director for the period of September 28 through October 25, 2014 (weeks 40-14 through 43-14) and for the period of December 21 through December 27, 2014 (week 52-14). Claimant filed timely requests for hearing. On March 9, 2015, ALJ Kirkwood conducted a consolidated hearing, and on March 10, 2015 issued two Hearing Decisions, 15-UI-34843 and 15-UI-34844, affirming the Department's decisions. On March 30, 2015 filed applications for review with the Employment Appeals Board (EAB).

In his application for review, claimant stated: "I request this hearing/decision be delayed/appealed and heard once I have retained legal counsel and BOLI case is settled." Claimant's request is denied. The ALJ also denied claimant's request for postponement at the beginning of the hearing. We agree with the ALJ that allegations in a Bureau of Labor and Industries (BOLI) case of unlawful workplace behavior by the employer are not relevant to the issue of whether claimant filed timely weekly claims for unemployment benefits within the time periods prescribed in the Department's administrative rules. Audio at ~4:30. Nothing in claimant's materials concerning the BOLI case indicate that he is alleging that the employer interfered with his ability to make timely weekly claims for benefits, and the issues of claimant's work separation and his subsequent allegations of workplace discrimination are not relevant or material to review of the timeliness of claimant's claims.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-34843 and 15-UI-34844. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0353 and 2015-EAB-0354).

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 Decisions 15-UI-34843 and 15-UI-34844 are affirmed.

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

DATE of Service: April 2, 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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