

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0358**

*Affirmed*  
*Late Request for Hearing Dismissed*  
*Disqualification*

**PROCEDURAL HISTORY:** On January 26, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 102323). On February 17, 2015, decision # 102323 became final without a request for hearing having been filed. On February 19, 2015, claimant filed a late request for hearing. On February 26, 2015, ALJ Kangas issued Hearing Decision 15-UI-34242, dismissing claimant's request for hearing on decision # 102323 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 March 10, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On March 12, 2015, ALJ Kangas reviewed claimant's response and issued Hearing Decision 15-UI-35017, cancelling Hearing Decision 15-UI-34242, and re-dismissing claimant's February 19, 2015 request for hearing. On March 31, 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-35017 is affirmed. Administrative decision # 102323 remains undisturbed.

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

**DATE of Service: April 22, 2015**

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<sup>1</sup> Hearing Decision 15-UI-34242.

**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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