

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0377

Affirmed
Late Request for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On October 16, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 115155) concluding the employer discharged claimant for misconduct. On November 5, 2014, administrative decision # 115155 became final without a request for hearing having been filed. On January 20, 2015, claimant filed a late request for hearing. On February 3, 2015, ALJ Kangas issued Hearing Decision 15-UI-32830, dismissing claimant's request for hearing 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 9, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On March 4, 2015, OAH issued a "Cancellation of Hearing Decision" for Hearing Decision 15-UI-32830. On March 20, 2015, ALJ Shoemake conducted a hearing, and on March 26, 2015 issued Hearing Decision 15-UI-35825, re-dismissing claimant's late request for hearing. On April 3, 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-35825 is affirmed. Administrative decision # 115155 remains undisturbed.

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

DATE of Service: April 8, 2015

¹ Hearing Decision 15-UI-32830.

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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