

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0423

Affirmed
Decisión Affimada
Late Request for Hearing Dismissed
Petición Tardía para una Audiencia Negada
Disqualification
Descalificación

PROCEDURAL HISTORY: On January 8, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 124515) concluding the employer discharged claimant for misconduct. On January 28, 2015, administrative decision # 124515 became final without a request for hearing having been filed. On February 6, 2015, claimant filed a late request for hearing. On February 23, 2015, ALJ Kangas issued Hearing Decision 15-UI-33850, 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 March 9, 2015, the Office of Administrative Hearings (OAH) received claimant’s response. On March 23, 2015, OAH issued a “Cancellation of Hearing Decision” for Hearing Decision 15-UI-33850. On April 6, 2015, ALJ M. Davis conducted a hearing, and on April 7, 2015 issued Hearing Decision 15-UI-36459, re-dismissing claimant’s late request for hearing. On April 13, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB received claimant’s written argument, in which claimant seems to allege that she missed the April 6, 2015 hearing and requested another one be scheduled. However, the record shows that claimant attended the hearing and provided testimony about her reasons for filing a late application for review. Because claimant did not miss the hearing in this matter, she is not entitled to have the hearing reopened.

¹ Hearing Decision 15-UI-33850.

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-36459 is affirmed.
Decisión de la Audiencia 15-UI-36459 queda confirmada.

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

DATE of Service: April 16, 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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NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en courts.oregon.gov. En este sitio web, hay información disponible en español.

Por favor, ayúdenos mejorar nuestros servicios por llenar el formulario de encuesta sobre nuestro servicio de atención al cliente. Para llenar este formulario, puede visitar <https://www.surveymonkey.com/s/5WQXNJH>. Si no puede llenar el formulario sobre el internet, puede comunicarse con nuestra oficina para una copia impresa de la encuesta.