

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0530

Affirmed
Late Requests for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On February 12, 2015, the Oregon Employment Department (the Department) served notice of two administrative decisions (decisions # 85619 and # 82337) concluding claimant did not actively seek during the periods of January 4 through January 10, 2015 (week 1-15) and January 18 through January 24, 2015 (week 3-15). On March 3, 2015, decisions # 85619 and # 82337 became final without a request for hearing having been filed. On March 23, 2015, claimant filed a late request for hearing on both decisions. On March 30, 2015, ALJ Kangas issued two Hearing Decisions, 15-UI-35991 and 15-UI-35997, dismissing claimant's requests for hearing 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.¹

On April 4, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On April 7 and April 27, 2015, OAH issued letters of "Cancellation of Hearing Decision" for Hearing Decisions 15-UI-35991 and 15-UI-35997. On April 23, 2015, ALJ Frank conducted a consolidated hearing and, on May 1, 2015 issued Hearing Decisions 15-UI-37840 and 15-UI-37841, re-dismissing claimant's late requests for hearing. On May 7, 2015, claimant 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-37840 and 15-UI-37841. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0529 and 2015-EAB-0530).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record.

¹ Hearing Decisions 15-UI-35991 and 15-UI-35997.

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-37840 and 15-UI-37841 are affirmed.

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

DATE of Service: May 27, 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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