

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0993**

*Affirmed*  
*Late Request for Hearing Denied*  
*Disqualification*

**PROCEDURAL HISTORY:** On April 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer claimant for misconduct (decision #123731). On April 27, 2015, decision #123731 became final without a request for hearing having been filed. On July 9, 2015 claimant filed an untimely request for hearing. On July 22, 2015, ALJ Kangas issued Hearing Decision 15-UI-41827, dismissing claimant's hearing request as untimely, subject to claimant's right to renew the request by responding to an appellant questionnaire within 14 days of the date of the decision. Claimant timely responded to the appellant questionnaire. On August 10, 2015, ALJ Kangas issued Hearing Decision 15-UI-42760, re-dismissing claimant's hearing request. On August 21, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had considered her argument, it would not have changed the outcome of this decision. Claimant contended she was no longer disqualified from receiving unemployment benefits because she had earned at least four times the amount of her weekly benefits. The issue before us is whether the employer discharged claimant for misconduct, not whether claimant ended the disqualification that resulted from this decision.<sup>1</sup> We have no authority to address the extent of her disqualification and whether it has ended.

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-42760 is affirmed.

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<sup>1</sup> If claimant has questions regarding her disqualification, she needs to contact the Department at the phone number on the letter she received in which the Department denied her benefits: 1-877-345-3484.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, *pro tempore*, not participating.

**DATE of Service: August 28, 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](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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