

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1105

Affirmed
Late Request For Hearing Dismissed

PROCEDURAL HISTORY: On July 21, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 100049). On August 10, 2015, decision # 100049 became final without claimant having filed a request for hearing. On August 11, 2015, claimant filed a late request for hearing.¹ On September 1, 2015, ALJ Kangas issued Hearing Decision 15-UI-43784, dismissing claimant's late request for hearing subject to his right to renew the request by submitting a written statement to the Office of Administrative Hearings (OAH) within 14 days showing that he had "good cause" for filing a late request for hearing and that he filed the late request within seven days after those circumstances ceased. On September 15, 2015, the 14-day period to renew claimant's request for hearing expired.² On September 15, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).³

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-43784 is affirmed.

Susan Rossiter and J. S. Cromwell

¹ The filing date of a request for hearing sent by mail is the postmark date affixed to the envelope in which it was mailed. OAR 471-040-0005(4)(b). Here, the postmark date is August 11, 2015, making claimant's request late.

² We take notice that OAH records as of September 18, 2015 do not show that claimant has submitted the written response required to renew his request for hearing at OAH. Any party that objects to our doing so must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(3) (October 29, 2006). Unless such objection is received and sustained, the noticed fact will remain in the record.

³ Claimant's application for review consisted only of the "application for review" form, and did not include a written statement or otherwise include information regarding the circumstances surrounding his late request for hearing.

DATE of Service: September 18, 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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