

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-1232**

*Affirmed*  
*Ineligible*

**PROCEDURAL HISTORY:** On February 25, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from November 16, 2014 to January 24, 2015 (decision # 141437). Decision # 141437 became final on March 17, 2015 without a request for hearing having been filed. On June 25, 2015, claimant filed a late request for hearing by fax. On July 1, 2015, ALJ Kangas issued Hearing Decision 15-UI-40955, dismissing claimant's request for hearing subject to his right to renew the request by responding to an appellant questionnaire by July 15, 2015. On July 13, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On July 22, 2015, OAH mailed a letter to claimant canceling Hearing Decision 15-UI-40955. On August 7, 2015, ALJ Shoemake conducted a hearing, and on August 10, 2015 issued Hearing Decision 15-UI-42775, dismissing claimant's late request for hearing. On August 19, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On August 28, 2015, EAB issued Appeals Board Decision 2015-EAB-0996, reversing Hearing Decision 15-UI-42775, concluding claimant had good cause for filing a late request for hearing, and returning the case to OAH for additional proceedings. On September 15, 2015, ALJ Shoemake conducted a hearing on decision # 141437, and on September 22, 2015 issued 15-UI-44610, affirming the Department's decision. On October 10, 2015, claimant filed a timely application for review of Hearing Decision 15-UI-44610 with 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-44610 is affirmed.

Susan Rossiter and J. S. Cromwell.

**DATE of Service: October 26, 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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