

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1357

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On May 5, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant failed to actively seek work from February 1, 2015 to March 28, 2015 (decision # 145809). On May 26, 2015, decision # 145809 became final without claimant having filed a timely request for hearing. On June 15, 2015, claimant filed a late request for hearing on decision # 145809. On June 26, 2015, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for July 9, 2015, at which claimant failed to appear. On July 9, 2015, ALJ R. Davis issued Hearing Decision 15-UI-41292, dismissing claimant's hearing request for failure to appear. On July 29, 2015, Hearing Decision 15-UI-41292 became final without claimant having requested reopening or filed an application for review. On November 3, 2015, claimant filed a late request to reopen that did not include any statement explaining why the request was filed late, or why claimant failed to appear at the July 9, 2015 hearing, as required under OAR 471-040-0040(1)(b) and (3), and OAR 471-040-0041(4). On November 9, 2015, ALJ Kangas reviewed claimant's request and issued Hearing Decision 15-UI-47405, denying claimant's late request to reopen. On November 16, 2015, claimant filed an application for review with the Employment Appeals Board (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-47405 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: November 23, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.