

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1420

Affirmed
Disqualification

PROCEDURAL HISTORY: On October 15, 2015, the Oregon Employment Department (the Department) served notice of two administrative decision: decision # 90833, which concluded that claimant was not available for work from September 21 through October 18, 2014 (weeks 38-14 through 42-14)¹; and decision # 74205, which concluded that claimant failed to file her claim in accordance with the rules prescribed by the director for the period from September 14 through December 6, 2014 (weeks 38-14 through 49-14) and the period from December 21, 2014 through March 14, 2015 (weeks 52-14 through 10-15). Claimant filed timely hearing requests. On November 18, 2015, ALJ Vincent conducted a hearing. During the hearing, claimant withdrew her request for a hearing on decision # 90833; the ALJ accepted the withdrawal and proceeded with a hearing only on the merits of decision # 74205. On November 19, 2015, ALJ Vincent issued Hearing Decision 15-UI-47932, dismissing claimant's hearing request on decision # 90833, and on November 24, 2015, issued Hearing Decision 15-UI-48271, affirming decision # 74205. On December 2, 2015, claimant filed an application 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-47932 and 15-UI-48271. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-1419 and 2015-EAB-1420).

In her written argument, claimant agreed with the ALJ's conclusion that she did not timely file her weekly claims for unemployment benefits during the periods at issue, September 14 through December 6, 2014 (weeks 38-14 through 42-14) and December 21, 2014 through March 14, 2015 (weeks 52-14 through 10-15). Claimant asserted, however, that she had "good cause for filing late" because she was unaware that she needed to continue filing weekly claims after she requested a hearing on decision

¹ Due to a typographical error, decision # 74205 incorrectly states that claimant was unavailable for work from September 21 through October 18, 2015. The error was corrected at the hearing. (Audio Recording at 8:39).

742015. Under Department rules, a claimant must file a “continued claim,” *i.e.*, an application certifying that the claimant has completed one or more weeks of unemployment, no later than seven days following the end of a week for which benefits are claimed. OAR 471-030-0045(1)(a) and (4)(February 23, 2014). The rules include no good cause exception for a claimant’s failure to file within the required time limits. We therefore agree with the ALJ’s conclusion that because claimant did not timely file her weekly claims, she is not entitled to receive benefits for the weeks at issue.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 15-UI-47932 and 15-UI-48271 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: December 8, 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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