

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0196

Affirmed
Late Request for Hearing Denied

PROCEDURAL HISTORY: On November 23, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 143837). On December 14, 2015, decision # 143837 became final without a request for hearing having been filed. On December 16, 2015, claimant filed an untimely request for hearing on decision # 143837. On December 21, 2015, ALJ Kangas issued Hearing Decision 15-UI-49755, 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. Claimant timely responded to the appellant questionnaire. By letter dated January 14, 2016, the Office of Administrative Hearings cancelled Hearing Decision 15-UI-49755. On February 12, 2016, ALJ Murdock conducted a hearing, and on February 17, 2016, issued Hearing Decision 16-UI-53153, dismissing claimant's hearing request as untimely without good cause. On February 22, 2016, 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 16-UI-53153 is affirmed.

Susan Rossiter and D. H. Hettle;
J. S. Cromwell, not participating.

DATE of Service: February 24, 2016

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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