

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0221**

*Affirmed*  
*Late Request for Hearing Denied*

**PROCEDURAL HISTORY:** On October 30, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 102908) concluding that claimant did not actively seek work from September 27 through October 3, 2015 (week 39-15). On December 19, 2015, decision # 102908 became final without a request for hearing having been filed. On December 9, 2015, claimant filed a late request for hearing. On December 17, 2015, ALJ Kangas issued Hearing Decision 15-UI-49540, dismissing claimant's hearing request as untimely, subject to his 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-49540. On February 9, 2016, ALJ M. Davis conducted a hearing, and on February 10, 2016, issued Hearing Decision 16-UI-52665, re-dismissing claimant's hearing request as untimely. On February 25, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-52665 is affirmed.

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

**DATE of Service:** March 3, 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](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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