

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0337

Affirmed
Ineligible
Late Claim Denied

PROCEDURAL HISTORY: On November 25, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 114414) concluding that claimant did not timely file a claim for benefits for the week of November 1 through 7, 2015 (week 44-15). Claimant filed a timely request for hearing. On March 8, 2016, ALJ S. Lee conducted a hearing, and on March 15, 2016, issued Hearing Decision 16-UI-55051, affirming the administrative decision. On March 22, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

In her written argument, claimant stated that “I was instructed on 11/5/15 to claim the waiting week of 11/1/15-11/7/15 on 11/6/15. That is what I heard the agent say and that was confirmed by the department representative in the hearing.” Contrary to claimant’s assertion and as noted in Hearing Decision 16-UI-55051, claimant was given waiting week credit for the first effective week of her claim – the week of October 25 through 31, 2015 (week 43-15). Her claim for week 44-15 was therefore a continued claim that needed to be filed no later than seven days from the end of that week. OAR 471-030-0045(4) (February 23, 2014). Because her claim for week 44-15 was filed on November 16, 2015, the ALJ correctly concluded it was untimely. Unfortunately, there are no exceptions to this rule.

EAB reviewed the entire hearing record and considered claimant’s written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 16-UI-55051 is affirmed.

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

DATE of Service: March 31, 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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