

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0431

Affirmed
Late Request for Hearing Denied

PROCEDURAL HISTORY: On January 12, 2016, the Oregon Employment Department (the Department) served notice of the following two administrative decisions: decision # 75058 concluded that claimant voluntarily left work without good cause, and decision # 72633 concluded that claimant was not available for work from September 20, 2015 through January 2, 2016 (weeks 38-15 through 52-15). On February 1, 2016, both administrative decisions became final without a request for hearing having been filed. On February 19, 2016, claimant filed late requests for hearing on both decisions. On February 26, 2016, ALJ Kangas issued the following hearing decisions dismissing claimant's hearing requests as untimely, subject to claimant's right to renew the requests by responding to appellant questionnaires within 14 days: Hearing Decision 16-UI-53868 dismissed claimant's hearing request on decision # 75058 and Hearing Decision 16-UI-53867 dismissed claimant's hearing request on decision # 72633. Claimant timely responded to the appellant questionnaires. By letters dated March 16, 2016, the Office of Administrative Hearings cancelled Hearing Decisions 16-UI-53867 and 16-UI-53868. On April 4, 2016, ALJ Menegat conducted a consolidated hearing, and on April 5, 2016, issued the following hearing decisions, re-dismissing claimant's hearing requests as untimely: Hearing Decision 16-UI-56520 re-dismissed claimant's request for hearing on decision # 72633 and Hearing Decision 16-UI-56521 re-dismissed claimant's request for hearing on decision # 75058. On April 12, 2016, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions Hearing Decision 16-UI-56520 and Hearing Decision 16-UI-56521. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0430 and 2016-EAB-0431).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record.

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

DECISION: Hearing Decisions 16-UI-56520 and 16-UI-56521 are affirmed.

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

DATE of Service: April 18, 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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