

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0671

Affirmed
Late Request to Reopen Dismissed

PROCEDURAL HISTORY: On March 17, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from February 7, 2016 to February 27, 2016 (decision # 154838). Claimant filed a timely request for hearing. On March 30, 2016, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for April 14, 2016. On April 16, 2016, ALJ Shoemake issued Hearing Decision 16-UI-57346, dismissing claimant's hearing request for failure to appear at the hearing. On May 5, 2016, Hearing Decision 16-UI-57346 became final without claimant having filed a request to reopen or application for review. On May 12, 2016, claimant filed a late request to reopen that included a written statement explaining why she failed to appear at the April 14th hearing, but did not explain why she filed her request to reopen seven days after the filing deadline. On May 25, 2016, ALJ Kangas reviewed claimant's late request to reopen and issued Hearing Decision 16-UI-60364, denying claimant's late request to reopen. On June 1, 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-60364 is affirmed.

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

DATE of Service: June 9, 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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