

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0831**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On March 8, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision to claimant's address of record concluding claimant committed a disqualifying act and was disqualified from receiving unemployment insurance benefits (decision # 162826). On March 28, 2016, decision # 162826 became final without claimant having filed a timely request for hearing. On May 9, 2016, claimant filed a late request for hearing. On May 13, 2016, ALJ Kangas issued Hearing Decision 16-UI-59520, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by May 27, 2016. On May 26, 2016, the Office of Administrative Hearings (OAH) received claimant's response. On June 6, 2016, OAH mailed notice of a hearing scheduled for June 20, 2016. On June 20, 2016, ALJ Monroe conducted a hearing, and on June 24, 2016 issued Hearing Decision 16-UI-62491, re-dismissing claimant's late request for hearing. On July 13, 2016, claimant filed a timely application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond his reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. See ORS 657.275(2). Even if we had considered the argument, the outcome of this decision would remain the same for the reasons explained in Hearing Decision 16-UI-62491.

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-62491 is affirmed.

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

**DATE of Service: July 19, 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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