

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0840**

*Affirmed*  
*(Confirmada)*  
*Late Request for Hearing Dismissed*  
*(Petición Tardía Para Una Audiencia Negada)*

**PROCEDURAL HISTORY:** On May 10, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 133125) concluding that claimant did not actively search for work from March 6 through April 2, 2016 (weeks 11-16 through 13-16). On May 31, 2016, decision # 133125 became final without a request for hearing having been filed. On June 2, 2016, claimant filed an untimely request for hearing. On June 8, 2016, ALJ Kangas issued Hearing Decision 16-UI-61286, dismissing claimants hearing request as untimely, subject to claimant's right to renew the request by submitting a response to an appellant questionnaire within 14 days of the date on which the decision was mailed. On June 23, 2016, claimant submitted an untimely response to the appellant questionnaire and also filed an application for review with the Employment Appeals Board (EAB). By letter to claimant dated June 27, 2016, the Office of Administrative Hearings (OAH) explained that claimant's response to the appellant questionnaire was untimely and would not be considered, and that Hearing Decision 16-UI-61286 remained in effect.

EAB considered the entire hearing record and claimant's written argument to the extent it was relevant and based on evidence in the record. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006). On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-61286 is affirmed.  
*Decisión de la Audiencia 16-UI-61286 queda confirmada.*

**DATE of Service:** July 15, 2016

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

**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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*NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en [courts.oregon.gov](http://courts.oregon.gov). En este sitio web, hay información disponible en español.*

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