

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0843

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On March 15, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 135250) concluding that claimant did not actively search for work from January 3 through 9, 2016 (week 1-16). On April 4, 2016, decision # 135250 became final without a request for hearing having been filed. On June 13, 2016, claimant filed an untimely request for hearing. On June 16, 2016, ALJ Kangas issued Hearing Decision 16-UI-61914, dismissing claimant's 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 July 6, 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 July 13, 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-135250 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-61914 is affirmed.

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

DATE of Service: July 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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