

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0972

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On March 30, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (# 95138) concluding that claimant did not actively search for work from January 24 through February 6, 2016 (weeks 4-16 and 5-16) and March 6 through March 26, 2016 (weeks 10-16 through 12-16). On April 29, 2016, decision # 95138 became final without a request for hearing having been filed. On June 7, 2016, claimant filed an untimely hearing request. On June 13, 2016, ALJ Kangas issued Hearing Decision 16-UI-61616, dismissing claimant's hearing request as untimely, subject to claimant's right to renew the request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated June 24, 2016, the Office of Administrative Hearings (OAH) cancelled Hearing Decision 16-UI-61616. Also on June 24, 2016, OAH issued notice of a hearing scheduled for July 13, 2016. On July 14, 2016, ALJ Wyatt issued Hearing Decision 16-UI-63713, dismissing claimant's hearing request for failure to appear at the July 13 hearing. On August 3, 2016, claimant filed a request to reopen. On August 8, 2016, ALJ Kangas issued Hearing Decision 16-UI-65175, denying claimant's request to reopen. On August 23, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

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

EAB considered the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 16-UI-65175 is affirmed.

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

DATE of Service: August 26, 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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