

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0983

Affirmed
Ineligible Weeks 12-16 and 13-16

PROCEDURAL HISTORY: On April 8, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 120501) concluding that claimant did not actively seek work from March 20 through April 2, 2016 (weeks 12-16 and 13-16). On April 8, 2016, decision # 120501 became final without claimant having filed a request for hearing. On May 2, 2016, claimant filed a late request for hearing. On May 4, 2016, ALJ Kangas issued Hearing Decision 16-UI-58856, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by May 18, 2016. Claimant filed a timely response to the appellant questionnaire. On June 6, 2016, ALJ Vincent conducted a hearing, and on June 14, 2016 issued Hearing Decision 16-UI-65613, allowing claimant's late request for hearing on decision # 12050, affirming decision # 120501, but mistakenly stating that claimant is eligible for benefits for weeks 12-16 and 13-16. On August 12, 2016, ALJ Vincent issued Amended Hearing Decision 16-UI-65613, correcting the decision to state that claimant is not eligible for benefits for those weeks. On August 22, 2016, claimant filed an application for review of Amended Hearing Decision 16-UI-65613 with the Employment Appeals Board (EAB).

No party applied for review of that portion of Amended Hearing Decision 16-UI-65613 allowing claimant's late request for hearing on decision # 120501. EAB therefore limited its review to that portion of the decision concluding that claimant is not eligible for benefits for weeks 12-16 and 13-16 because he did not actively seek work during those weeks. EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), that portion of Amended Hearing Decision 16-UI-65613 is **adopted**.

DECISION: Amended Hearing Decision 16-UI-65613 is affirmed.

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

DATE of Service: August 29, 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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