

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1242

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On September 1, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from July 3, 2016 to July 23, 2016 (decision # 81957). On September 21, 2016, decision # 81957 became final without claimant having filed a request for hearing. On October 6, 2016, claimant filed a late request for hearing. On October 11, 2016, ALJ Kangas issued Hearing Decision 16-UI-68907, dismissing claimant's request for hearing subject to his right to renew the request by responding to an appellant questionnaire by October 25, 2016. On October 20, 2016, the Office of Administrative Hearings (OAH) received claimant's response. On October 24, 2016, ALJ Kangas reviewed claimant's response and issued Hearing Decision 16-UI-69773, re-dismissing claimant's late request for hearing. On November 3, 2016, claimant filed an application for review of Hearing Decision 16-UI-69773 with the Employment Appeals Board (EAB).

In his written argument, claimant stated that he was not sure what he was appealing to EAB and will be appealing "it all." The only matter currently under EAB's jurisdiction is claimant's late request for hearing on decision # 81957. Unfortunately, because claimant did not file a timely request for hearing in this matter, we do not have jurisdiction over the active work search issue. If claimant has information showing that he actively sought work during the relevant time period, however, or showing that he was excused from doing so, claimant should provide that information directly to the Department. Department records indicate that OAH has scheduled a hearing on claimant's other matter, an overpayment, for November 15, 2016 at 3:30 p.m. If claimant has any questions about the scheduling of that matter or needs information about how to participate in that hearing, claimant should make direct contact about it with OAH.

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-69773 is affirmed.

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

DATE of Service: November 8, 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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