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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1267

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On May 8, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from October 26, 2014 through March 14, 2015 (decision # 103857). On May 28, 2015, decision # 103857 became final without claimant having filed a request for hearing. On July 25, 2016, claimant filed a late request for hearing. On August 2, 2016, ALJ Kangas issued Hearing Decision 16-UI-64887, dismissing claimant's request for hearing subject to her right to renew the request by responding to an appellant questionnaire by August 16, 2016. On August 16, 2016, claimant responded to the appellant questionnaire. On August 25, 2016, the Office of Administrative Hearings (OAH) canceled Hearing Decision 16-UI-64887 scheduled a hearing for September 8, 2016. On September 8, 2016, claimant failed to appear at the hearing and ALJ Murdock issued Hearing Decision 16-UI-67131, dismissing claimant's request for hearing due to her failure to appear. On September 28, 2016, Hearing Decision 16-UI-67131 became final without claimant having filed a request to reopen the hearing. On October 15, 2016, claimant filed a late request to reopen. On October 27, 2016, ALJ Kangas issued Hearing Decision 16-UI-70068, denying claimant's request as untimely without a showing of good cause. On November 10, 2016, claimant filed a timely application for review of with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument. Neither claimant's request for a reopening nor her written argument addressed claimant's failure to file a timely request for a reopening. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 16-UI-70068 is affirmed.

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

DATE of Service: November 17, 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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