

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1316

Application for Review Dismissed

PROCEDURAL HISTORY: On October 11, 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 30, 2016 (decision # 132027). Claimant filed a timely request for hearing. On November 15, 2016, ALJ Murdock conducted a hearing and issued Hearing Decision 16-UI-71179, affirming the Department's decision. On November 22, 2016, Fox Harvesting of Oregon, Inc. filed an application for review with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Fox Harvesting of Oregon, Inc.'s application for review of Hearing Decision 16-UI-71179 is dismissed.

On November 22, 2016, Fox Harvesting of Oregon, Inc. filed an application for review of Hearing Decision 16-UI-71179, which denied benefits to claimant. In order to be entitled to have EAB review this matter upon its application for review, however, Fox Harvesting must be a "party" to the case. ORS 657.275(1). Generally speaking, in the context of an EAB review a "party" is a person or agency named by the Department to be a "party." See ORS 183.310(7)(b); OAR 471-010-0080(18). Reviewing the record in this matter, it appears that the Department did not name Fox Harvesting as a party in this matter, and because the application for review was not filed by a party, it is not a valid application and must be dismissed.

We note, however, that claimant *is* a party to this case, and if she wishes to have EAB review Hearing Decision 16-UI-71179 she has the right to file an application for review of this matter. The application for review must be in writing, and mailed, faxed or delivered to EAB or another office of the Department or State Workforce Agency. To be considered "timely," an application for review, if mailed, must be postmarked on or before December 5, 2016, and, if faxed or delivered, must be received and stamped as received no later than 5:00 p.m. on December 5, 2016.

DECISION: The application for review filed November 22, 2016 is dismissed. Hearing Decision 16-UI-71179 remains undisturbed.

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

DATE of Service: November 23, 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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**CC: FOX HARVESTING OF OREGON, INC
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