

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0298

Affirmed
Late Request for Hearing Denied

PROCEDURAL HISTORY: On November 18, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 111601). On December 8, 2016, decision # 111601 became final without a request for hearing having been filed. On January 25, 2017, claimant filed an untimely request for hearing. On January 30, 2017, ALJ Kangas issued Hearing Decision 17-UI-75257, dismissing claimant's request for hearing as untimely subject to claimant's right to renew the hearing request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated February 15, 2017, the Office of Administrative Hearings cancelled Hearing Decision 17-UI-75257. On February 27, 2017, ALJ Shoemake conducted a hearing, and on March 3, 2017, issued Hearing Decision 17-UI-78185, dismissing claimant's hearing request as untimely without good cause. On March 7, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed 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 17-UI-78185 is affirmed.

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

DATE of Service: March 13, 2017

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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