

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0878

Affirmed
Late Request for Hearing Denied

PROCEDURAL HISTORY: On April 10, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant failed without good cause to accept suitable work when offered (decision # 71701). On May 1, 2017, decision # 71701 became final without a request for hearing having been filed. On May 30, 2017, claimant filed an untimely request for hearing. On June 5, 2017, ALJ Kangas issued Hearing Decision 17-UI-84880, dismissing claimant's hearing request as untimely, subject to claimant's right to renew her request by responding to an appellant questionnaire. On June 22, 2017, claimant responded to the appellant questionnaire. On July 3, 2017, ALJ Kangas issued Hearing Decision 17-UI-87117, re-dismissing claimant's hearing request as untimely without good cause. On July 24, 2017, claimant filed an application for review of Hearing Decision 17-UI-87117 with the Employment Appeals Board (EAB).

Claimant submitted a written argument to EAB which included new information; specifically, she explained why she believed she did not fail to accept suitable work. Under OAR 471-041-0090(2) (October 29, 2006), EAB may only consider new information if, among other things, the information is relevant and material to EAB's determination. The only issue before EAB is whether claimant showed good cause for failing to file late request for hearing, and if so, whether she filed it within a reasonable time after the circumstances that prevented a timely filing ceased to exist. *See* ORS 657.875; OAR 471-040-0010 (February 10, 2012). Because information concerning claimant's failure to accept work is not relevant to that determination, EAB did not consider claimant's new information when reaching this decision.

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 17-UI-87117 is affirmed.

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

DATE of Service: August 11, 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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