

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1163

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On June 8, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not eligible to receive Trade Readjustment Allowances or Trade Adjustment Assistance because claimant's last work separation was from employment that was not certified. That decision became final on June 18, 2017 with no request for hearing having been filed. On September 8, 2017, claimant filed a late request for hearing. On September 11, 2017, ALJ Kangas served Decision 17-UI-92291 dismissing claimant's request for hearing subject to his right to renew the request by responding to an appellant questionnaire by September 25, 2017. On September 20, 2017, claimant mailed the appellant questionnaire response. ALJ Kangas reviewed claimant's responses, and on September 28, 2017 issued Decision 17-UI-93467, re-dismissing claimant's late request for hearing as untimely without good cause. On October 3, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the hearing record and claimant's written statements to the extent it was relevant and material to EAB's determination of whether claimant's late request for hearing should be dismissed, and based on information offered into the hearing record. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

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-93467 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: October 5, 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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