

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1442

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 20, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for an act that disqualified him from receiving benefits (decision # 161709). On June 9, 2016, decision # 161709 became final without claimant having filed a request for hearing. On October 12, 2017, claimant filed a late request for hearing. On October 17, 2017, ALJ Kangas issued Hearing Decision 17-UI-94725, dismissing claimant's request for hearing subject to his right to renew the request by responding to an appellant questionnaire by October 31, 2017. On October 27, 2017, claimant filed a timely response to the appellant questionnaire. On November 6, 2017, the Office of Administrative Hearings (OAH) cancelled and vacated Hearing Decision 17-UI-94725, and on November 22, 2017 scheduled a hearing for November 30, 2017. On November 30, 2017, ALJ Janzen conducted a hearing on claimant's late request for hearing on decision # 161709, and on December 1, 2017 issued Hearing Decision 17-UI-98011, re-dismissing the request. On December 18, 2017, claimant filed an application for review of Hearing Decision 17-UI-98011 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument to the extent it addressed the only issue before EAB, which is whether claimant's late request for hearing on decision # 161709 should be dismissed. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 17-UI-98011 is affirmed.

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

DATE of Service: December 22, 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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