

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0235**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On October 11, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 95725). On October 31, 2017, decision # 95725 became final without claimant having filed a request for hearing. On January 22, 2018, claimant filed a late request for hearing. On January 25, 2018, ALJ Kangas issued Hearing Decision 18-UI-101717, dismissing claimant's request for hearing as untimely without a showing of good cause, subject to her right to renew the request by responding to an appellant questionnaire by February 8, 2018. On February 6, 2018, the Office of Administrative Hearings (OAH) received claimant's timely response to the appellant questionnaire. On February 14, 2018 OAH issued a letter stating that Hearing Decision 18-UI-101717 was canceled and vacated and notifying the parties that a hearing would be scheduled to address the timeliness of claimant's hearing request and, if appropriate, the merits of decision # 95725. On February 15, 2018, OAH served notice that the hearing was scheduled for February 28, 2018. On February 28, 2018 ALJ Clink conducted a hearing, and on March 2, 2018 issued Hearing Decision 18-UI-104355, re-dismissing claimant's request for hearing on decision # 95725 as untimely without good cause. On March 7, 2018, claimant filed an application for review of Hearing Decision 18-UI-104355 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument to the extent it was based on the hearing record and relevant to the only issue before EAB, whether claimant's late request for hearing on decision # 95725 is subject to dismissal. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006). On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 18-UI-104355 is affirmed.

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

**DATE of Service:** March 15, 2018

**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](http://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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