

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0342

Applications for Review Dismissed

PROCEDURAL HISTORY: On January 9, 2018, the Oregon Employment Department (the Department) served two notices of two administrative decisions, one concluding the claimant was not able and available for work from December 17, 2017 to December 23, 2017 and December 31, 2017 to January 6, 2018 (decision # 115242), and the other concluding claimant voluntarily left work without good cause (decision # 115154). On January 29, 2018, both decisions became final without claimant having filed timely requests for hearing. On March 26, 2018, claimant filed late requests for hearing. On March 29, 2018, ALJ Kangas issued Hearing Decisions 18-UI-106221 and 18-UI-106223, dismissing claimant's late requests for hearing subject to her right to renew the requests by responding to an appellant questionnaire by April 12, 2018.

On April 7, 2018, claimant submitted appellant questionnaire responses to the Office of Administrative Hearings (OAH) and filed applications for review with the Employment Appeals Board (EAB). On April 9, 2018 and April 11, 2018, EAB mailed letters to the parties titled "Notice of Receipt of Application for Review" notifying the parties that EAB had received claimant's April 7, 2018 applications for review and would review both cases. EAB erred in sending those letters.

EAB's letters were issued in error because, on April 9, 2018, OAH received claimant's appellant questionnaire responses, which renewed claimant's March 26, 2018 requests for hearing, and canceled and superseded Hearing Decisions 18-UI-106221 and 18-UI-106223. Because the hearing decisions claimant has asked EAB to review were canceled or superseded, the matter is moot, and claimant's applications for review of those hearing decisions must be dismissed.

We note that, on April 12, 2018, ALJ Kangas issued new hearing decisions, Hearing Decisions 18-UI-107199 and 18-UI-107204, which re-dismissed claimant's March 26, 2018 requests for hearing based upon the information claimant provided in her questionnaires. If claimant would like EAB to review those hearing decisions, however, claimant must submit new applications for review of those decisions to EAB on or before May 2, 2018.

DECISION: The applications for review filed April 7, 2018 are dismissed as moot; Hearing Decisions 18-UI-106221 and 18-UI-106223 have been canceled or superseded by new hearing decisions.¹

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

DATE of Service: April 12, 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. 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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¹ Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions Hearing Decision 18-UI-106221 and 18-UI-106223. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0342 and 2018-EAB-0343).