

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0420

Affirmed
Late Request to Reopen Dismissed

PROCEDURAL HISTORY: On January 11, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from December 17, 2017 through January 6, 2018, and therefore was overpaid \$1,048 in benefits for that period (decision # 94732). Claimant filed a timely request for hearing. On January 29, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for February 12, 2018. On February 12, 2018, claimant failed to appear at the hearing, and ALJ S. Lee issued Order No. 18-UI-103065, dismissing claimant's request for hearing due to his failure to appear. On March 5, 2018, Order No. 18-UI-103065 became final without claimant having filed a request to reopen the hearing. On April 20, 2018, claimant filed a late request to reopen the hearing. ALJ Kangas reviewed claimant's request, and on April 23, 2018 issued Order No. 18-UI-107928, dismissing the request as untimely without a showing of good cause. On April 26, 2018, claimant filed an application for review of Order No. 18-UI-107928.

EAB considered the entire hearing record and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing order under review is **adopted**.

DECISION: Order No. 18-UI-107928 is affirmed.

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

DATE of Service: May 2, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.