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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2018-EAB-0496</p>
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*Application for Review Dismissed
Without Prejudice*

PROCEDURAL HISTORY: On February 26, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 63257). On March 19, 2018, decision # 63257 became final without claimant having filed a timely request for hearing. On May 4, 2018, claimant filed a late request for hearing. On May 8, 2018, ALJ Kangas reviewed claimant's request and issued Order No. 18-UI-108896, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by May 22, 2018. On May 11, 2018, claimant both timely responded to the appellant questionnaire and filed a timely application for review of Order No. 18-UI-108896 with the Employment Appeals Board (EAB). The matter of claimant's late request for hearing on decision # 63257 is currently open at the Office of Administrative Hearings (OAH), and a hearing on the matter has been scheduled.

ORS 657.275 provides that EAB shall review the record of the case promptly and affirm, modify, or set aside the decision of the ALJ if the Director of the Department or any interested party files a timely application for review. However, it appears that claimant has initiated further proceedings at OAH and that this matter is not yet ripe for review. We therefore dismiss claimant's application for review without prejudice to allow the proceedings to be completed.

DECISION: The application for review filed May 11, 2018 is dismissed. Order No. 18-UI-108896 remains undisturbed.

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

DATE of Service: May 24, 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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