

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0685

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 3, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 95829). On May 23, 2018, decision # 95829 became final without the employer having filed a timely request for hearing. On May 25, 2018, the employer filed a late request for hearing. On May 31, 2018, ALJ Kangas issued Order No. 18-UI-110391, dismissing the employer's late request for hearing subject to the employer's right to renew the request by responding to an appellant questionnaire by June 14, 2018. On June 5, 2018, the employer responded to the questionnaire. On June 6, 2018, the Office of Administrative Hearings (OAH) sent a letter stating that Order No. 18-UI-110391 was canceled. On June 12, 2018, OAH mailed notice of a hearing scheduled for June 26, 2018. On June 26, 2018, ALJ Amesbury conducted a hearing, and on June 29, 2018 issued Order No. 18-UI-112357, re-dismissing the employer's late request for hearing. On July 6, 2018, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted** as modified herein: on pages two and three, all references to "claimant" are hereby replaced with "the employer."¹

DECISION: Order No. 18-UI-112357 is affirmed.

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

DATE of Service: July 20, 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,

¹ A copy of Order No. 18-UI-112357 was included with the copy of this decision mailed to the parties.

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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