

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0870**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On June 6, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not able, available, and actively seeking work from December 24, 2017 to April 7, 2018 and until the reason for the denial had ended (decision # 140626). On June 26, 2018, decision # 140626 became final without claimant having filed a timely request for hearing. On July 27, 2018, claimant filed a late request for hearing by telephone. On August 1, 2018, ALJ Kangas issued Order No. 18-UI-114190, dismissing claimant's late request for hearing subject to her right to renew the request by responding to an appellate questionnaire by August 15, 2018. On August 6, 2018, the Office of Administrative Hearings (OAH) received claimant's response. On August 9, 2018, OAH mailed a letter stating that Order No. 18-UI-114190 was canceled. On August 23, 2018, ALJ Shoemake conducted a hearing at which the employer failed to appear, and on August 30, 2018 issued Order No. 18-UI-115812, dismissing claimant's late request for hearing. On September 5, 2018, claimant filed an application for review of Order No. 18-UI-115812 with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

On claimant's application for review, claimant wrote that she "never got to argue the facts of the case." Unfortunately, because claimant did not file a timely request for hearing or establish good cause to extend the filing period, claimant did not preserve her right to argue the facts of this case and her request for hearing must be dismissed.

**DECISION:** Order No. 18-UI-115812 is affirmed.

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

**DATE of Service:** October 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](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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