

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0875

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On June 22, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from May 27 through June 16, 2018 (decision # 125012). On July 12, 2018, decision # 125012 became final without claimant having requested a hearing. On July 19, 2018, claimant filed a late request for hearing. On July 23, 2018, ALJ Kangas issued Order No. 18-UI-113632, dismissing claimant's request for hearing subject to her right to renew her request by filing a response to an appellant questionnaire with the Office of Administrative Hearings (OAH) by August 6, 2018. On August 13, 2018, Order No. 18-UI-113632 became final without claimant having filed a response to the appellant questionnaire with OAH or an application for review with the Employment Appeals Board (EAB). On August 20, 2018, claimant filed a late response to the appellant questionnaire with OAH. On August 21, 2018, ALJ Kangas served notice that because claimant's response was late, OAH would not consider her response or issue another order regarding this matter, and that Order No. 18-UI-113632 therefore remained in effect. On September 10, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Claimant's late request for hearing on decision # 125012 is dismissed.

Order No. 18-UI-113632 dismissed claimant's request for hearing as untimely without a showing of good cause subject to claimant's right to renew her request by filing a response to an appellant questionnaire with OAH by August 6, 2018. Claimant did not file her response to the appellant questionnaire until August 20, 2017, which was two weeks late. ALJ Kangas therefore did not err in declining to consider claimant's response or issuing another order in this matter, or in concluding that Order 18-UI-113632 remained in effect. Claimant's late request for hearing on decision # 125012 therefore is dismissed.

DECISION: Order No. 18-UI-113632 is affirmed.

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

DATE of Service: September 11, 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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