

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0970**

*Affirmed*  
*Late Request to Reopen Dismissed*

**PROCEDURAL HISTORY:** On May 15, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from April 22 through May 5, 2018 and therefore was overpaid \$467 in benefits for the week of April 29 through May 5, 2018 (decision # 124832). On June 4, 2018, decision # 124832 became final without claimant having requested a hearing. On July 10, 2018, claimant filed a late request for hearing. On July 16, 2018, ALJ Kangas issued Order No. 18-UI-113157, dismissing claimant's request for hearing as untimely without a showing of good cause, subject to his right to renew his request by filing a response to an appellant questionnaire by July 30, 2018. On July 27, 2018, claimant filed a timely response to the appellant questionnaire. On July 31, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 14, 2018. On August 14, 2018, claimant failed to appear at the hearing, and ALJ S. Lee issued Order No. 18-UI-114940, re-dismissing claimant's late request for hearing due to his failure to appear. On September 4, 2018, Order No. 18-UI-114940 became final without claimant having a filed a request to reopen the hearing. On September 12, 2018, claimant filed a late request to reopen the hearing. ALJ Kangas considered claimant's request, and on September 18, 2018 issued Order No. 18-UI-116756, dismissing the request as untimely without good cause. On October 5, 2018, claimant filed an application for review of Order No. 18-UI-116756 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**.

**DECISION:** Order No. 18-UI-116756 is affirmed.

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

**DATE of Service: October 29, 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.

**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.