

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0117

*Affirmed*  
*Late Response*

**PROCEDURAL HISTORY:** On July 26, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not able or available for work from June 30, 2013 to July 13, 2013 (decision # 75918). On August 15, 2013, decision # 75918 became final without a request for hearing having been filed. On August 23, 2013, the Department served notice of an administrative decision (decision # 194365) assessing a \$452 overpayment in Regular Unemployment Insurance Benefits (UI), \$67.80 in monetary penalties, and 4 penalty weeks based on decision # 75918. On September 12, 2013, decision # 194365 became final without a request for hearing having been filed. On November 4, 2013, claimant filed an untimely request for hearing.

On December 3, 2013, ALJ Kangas issued Hearing Decisions 13-UI-05570 and 13-UI-05571, dismissing claimant's requests for hearing as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decisions within 14 days of the date the decision was mailed.<sup>1</sup> On December 17, 2013, the deadline for filing responses to Hearing Decisions 13-UI-05570 and 13-UI-05571 expired. On December 20, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On January 3, 2014, ALJ Kangas issued letter orders in regard to Hearing Decisions 13-UI-05570 and 13-UI-05571 that claimant's responses were late would not be considered. On January 22, 2014, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 13-UI-05570 and 13-UI-05571. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0117 and 2014-EAB-0118).

<sup>1</sup> Hearing Decisions 13-UI-05570 and 13-UI-05571.

Claimant failed to certify that she provided a copy of her argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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

**DECISION:** Hearing Decisions 13-UI-05570 and 13-UI-05571 are affirmed.

Tony Corcoran and D. E. Larson;  
Susan Rossiter, not participating.

**DATE of Service:** January 29, 2014

**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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.