

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0220

*Affirmed*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On September 30, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$2381 overpayment, \$357.15 in monetary penalties, and 20 penalty weeks based on unreported work and earnings (decision # 193955). On October 21, 2013, decision #193955 became final without a request for hearing having been filed. On November 12, 2013, claimant filed an untimely request for hearing. On December 10, 2013, ALJ Kangas issued Hearing Decision 13-UI-05996, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.<sup>1</sup> On December 23, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On January 13, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-08425, dismissing claimant's request for hearing. On February 1, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his 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 decision under review is **adopted**.

**DECISION:** Hearing Decision 14-UI-08425 is affirmed.

<sup>1</sup> Hearing Decision 13-UI-05996.

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

**DATE of Service: February 12, 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.