

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0228

*Late Request for Hearing Dismissed
Overpayment
Affirmed*

PROCEDURAL HISTORY: On June 25, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision #93325). On July 15, 2013, decision #93325 became final without a request for hearing having been filed. On November 1, 2013, the Department served notice of an administrative decision (# 112438) assessing a \$13,624 overpayment based on decision #93325. On November 27, 2013, claimant filed requests for hearing on decisions #93325 and #112438.

On December 9, 2013, ALJ Kangas issued Hearing Decision 13-UI-05969, dismissing claimant's request for hearing on decision #93325 as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant's Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On December 11, 2013, the Office of Administrative Hearings (OAH) received claimant's response to Hearing Decision 13-UI-05969. ALJ Kangas reviewed claimant's response, and on January 14, 2014, issued Hearing Decision 14-UI-08467, re-dismissing claimant's request for hearing on decision #93325.

On December 13, 2013, ALJ Kangas issued Hearing Decision 13-UI-06489, dismissing claimant's request for hearing on decision #112438 as untimely, subject to claimant's "right to renew" the request by submitting a response to the Appellant's Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.² On December 17, 2013, OAH received claimant's response to Hearing Decision 13-UI-06489. On January 16, 2014, OAH issued notice of a hearing scheduled for January 27, 2014. On January 27, 2014, ALJ Menegat conducted a hearing, and on January 29, 2014,

¹ Hearing Decision 13-UI-05969.

² Hearing Decision 13-UI-06489.

issued Hearing Decision 14-UI-09430, concluding that claimant's request for hearing on decision #112438 was timely, and affirming that decision.³

On February 3, 2014, claimant filed an application 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-08467 and 14-UI-09430. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0227 and 2014-EAB- 0228).

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 Decisions 14-UI-08467 and 14-UI-09430 are affirmed.

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

DATE of Service: February 13, 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.

³ Decision #112438 concluded that claimant was overpaid benefits in the amount of \$13, 624 and was liable to repay that amount.