

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0319

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 14, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$7,234 overpayment, \$1,085.10 in monetary penalties and 52 penalty weeks based on unreported work and earnings. On June 3, 2010, the overpayment decision became final without a request for hearing having been filed. On December 20, 2013, claimant filed a late request for hearing. On January 16, 2014, ALJ Kangas issued Hearing Decision 14-UI-08628, 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.¹ On January 24, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On February 21, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-10776, re-dismissing claimant's request for hearing. On February 25, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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. Even if we had, the outcome of this decision would remain the same.

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-10776 is affirmed.

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

¹ Hearing Decision 14-UI-08628.

DATE of Service: March 4, 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.