

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0421

Affirmed
Overpayment and Penalties

PROCEDURAL HISTORY: On September 20, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause. That decision became final without a request for hearing having been filed. On September 1, 2011, the Department served notice of an administrative decision assessing a \$552 overpayment, \$82.80 in monetary penalties, and 5 penalty weeks based on the September 20, 2010 decision. On September 21, 2011, that decision became final without a request for hearing having been filed. On January 6, 2014, claimant filed an untimely request for hearing. On January 23, 2014, ALJ Kangas issued Hearing Decision 14-UI-08973, 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 27, 2014, OAH received claimant's response. On February 25, 2014 ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-11103, dismissing claimant's request for hearing. On March 17, 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-11103 is affirmed.

Tony Corcoran and D. E. Larson;

¹ Hearing Decision 14-UI-08973

Susan Rossiter, not participating.

DATE of Service: March 24, 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.