

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0429

Affirmed
Late Response

PROCEDURAL HISTORY: On January 7, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$60 overpayment based on unreported work and earnings (decision # 192956). On January 28, 2013, decision # 192956 became final without a request for hearing having been filed. On October 31, 2013, the Department served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 170417). On November 20, 2013, decision # 170417 became final without a request for hearing having been filed. On November 29, 2013, the Department served notice of an administrative decision assessing a \$1,899 overpayment, \$284.85 in monetary penalties, and 15 penalty weeks based on decision # 170417, (decision # 194485). On December 19, 2013, decision # 194485 became final without a request for hearing having been filed. On January 14, 2014, claimant filed a late request for hearing.

On January 29, 2014, ALJ Kangas issued Hearing Decisions 14-UI-09345, 14-UI-09346, and 14-UI-09367, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting responses to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On February 12, 2014, the deadline for filing responses to Hearing Decisions 14-UI-09345, 14-UI-09346, and 14-UI-09367 expired.

On February 13, 2014, the Office of Administrative Hearings (OAH) received claimant's responses. On March 11, 2014, ALJ Kangas issued letter orders in regard to Hearing Decisions 14-UI-09345, 14-UI-09346, and 14-UI-09367 that claimant's responses were late and would not be considered. On March 19, 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 14-UI-09345, 14-UI-09346, and 14-UI-09367. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-UI-04328, 2014-UI-0429, and 2014-UI-0430).

¹ Hearing Decisions 14-UI-09345, 14-UI-09346, and 14-UI-09367.

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-09345, 14-UI-09346, and 14-UI-09367 are affirmed.

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

DATE of Service: March 26, 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.