

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0667**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On November 8, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$14,695 overpayment, \$2,204.25 in monetary penalties and 52 penalty weeks based on unreported work and earnings (decision # 195818). On November 29, 2013, decision # 195818 became final without a request for hearing having been filed. On February 14, 2014, claimant filed an untimely request for hearing. On March 4, 2014, ALJ Kangas issued Hearing Decision 14-UI-11559, 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 March 15, 2014, the Office of Administrative hearings (OAH) received claimant's response. On April 7, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-14489, re-dismissing claimant's request for hearing. On April 22, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the record before the ALJ.

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-14489 is affirmed.

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

**DATE of Service:** April 30, 2014

<sup>1</sup> Hearing Decision 14-UI-11559.

**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.