

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1161

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On January 21, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 145243). On February 10, 2014, decision # 145243 became final without a request for hearing having been filed. On February 13, 2014, the Department served notice of an administrative decision (decision # 193135), assessing a \$6,460 overpayment, \$969 in monetary penalties, and 50 penalty weeks based on decision # 145243. On March 5, 2014, decision # 193135 became final without a request for hearing having been filed. On May 23, 2014, claimant filed untimely telephone request for hearing. On May 14, 2014, ALJ Kangas issued Hearing Decisions 14-UI-17625 and 14-UI-17591, 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 decisions within 14 days of the date the decision were mailed.<sup>1</sup> On May 27, 2014, the Office of Administrative Hearings (OAH) received claimant's response to Hearing Decision 14-UI-17625 only. On June 3, 2014, Hearing Decision 14-UI-17591 became final without a response or an application for review having been filed.

On June 23, 2014, ALJ Kangas reviewed claimant's response in regard to Hearing Decision 14-UI-17625 and issued Hearing Decision 14-UI-20192, re-dismissing claimant's late request for hearing. On July 5, 2014, claimant filed an application for review of Hearing Decision 14-UI-17625, with the Employment Appeals Board (EAB).

Claimant's argument contained information that was not part of the record before the ALJ, and failed to show that factors or circumstances beyond her reasonable control prevented her from offering the information during to the ALJ. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

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<sup>1</sup> Hearing Decisions 14-UI-17625 and 14-UI-17591.

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-20192 is affirmed.

Tony Corcoran and J. S. Cromwell;  
Susan Rossiter, not participating.

**DATE of Service:** July 18, 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 [court.oregon.gov](http://court.oregon.gov). Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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