

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1361

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On September 19, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 154913) concluding that claimant was not available for work from June 23, 2013 through August 31, 2013 (weeks 26-13 through 35-13). On October 9, 2013, decision # 154913 became final without a request for hearing having been filed. On November 12, 2013, the Department served notice of an administrative decision (decision # 141813) assessing a \$1,343 overpayment based on decision # 154913. On June 12, 2014, claimant filed a request for hearing. On June 17, 2014, ALJ Kangas issued Hearing Decisions 14-UI-19741, dismissing claimant's request for hearing on decision #154913 as untimely, and Hearing Decision 14-UI-19742, dismissing claimant's request for hearing on decision #141813 as untimely, subject to claimant's "right to renew" each request by submitting a response to the "Appellant Questionnaire" attached to each hearing decision within 14 days of the date each decisionⁱ was mailed. On July 2, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). Also on July 2, 2014, claimant submitted a response to the "Appellant Questionnaire" attached to Hearing Decision 14-UI-19741 to the Office of Administrative Hearings (OAH). By letter dated July 17, 2014, ALJ Kangas informed claimant that her response to the "Appellant Questionnaire" was late, and that Hearing Decision 14-UI-19741 remained in effect.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-19741 and 14-UI-19741. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1360 and 2014-EAB-1361).

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-19741 is affirmed.

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

DATE of Service: August 25, 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. 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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ⁱ Decisions 154913 and 141813.