

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1376

*Affirmed
Late Request for Hearing Denied*

PROCEDURAL HISTORY: On February 16, 2007, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$7,000 overpayment and 26 penalty weeks based on administrative decisions issued on October 12, 2006 and October 25, 2006 concluding claimant voluntarily left work without good cause and that claimant was not available for work. On March 8, 2007, the February 16, 2007 administrative decision became final without a request for hearing having been filed. On May 27, 2014, claimant filed a late request for hearing.

On June 25, 2014, ALJ Kangas issued Hearing Decision 14-UI-20314, 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 July 9, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On July 30, 2014, ALJ Kangas issued Hearing Decision 14-UI-22477, re-dismissing claimant's request for hearing. On August 19, 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 hearing record.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decision 14-UI-22477 is affirmed. The February 16, 2007 administrative decision remains undisturbed.

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

¹ Hearing Decision 14-UI-20314.

DATE of Service: August 21, 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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