

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1504

Affirmed
Late Requests for Hearings Denied
Overpayment Assessed

PROCEDURAL HISTORY: On May 5, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not eligible to receive Trade Readjustment Allowances (TRA) benefits under her current certification. (decision # 153114). On May 27, 2014, administrative decision # 153114 became final without a request for hearing having been filed. On July 21, 2014, the Department served notice of an administrative decision (#105832) assessing a \$2,625 overpayment based on the May 5, 2014 administrative decision (# 153114) which concluded claimant was not eligible for TRA benefits under her current certification. On July 31, 2014, claimant filed a late request for hearing on decision # 153114.

On August 6, 2014, ALJ Kangas issued Hearing Decision 14-UI-22909, dismissing claimant's request for hearing on decision #153114 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 August 11, 2014, administrative decision # 105832 became final without a request for hearing having been filed. On August 15, 2014, the Office of Administrative Hearings (OAH) received claimant's response to the Appellant Questionnaire. Also, on August 15, 2014, claimant filed a late request for hearing on administrative decision # 105832. On September 2, 2014, ALJ Kangas reviewed claimant's response to the Appellant Questionnaire and issued Hearing Decision 14-UI-24394, re-dismissing claimant's request for hearing on administrative decision #153114. On September 2, 2014, ALJ Kangas also reviewed claimant's late request for hearing on administrative decision # 105832 and issued Hearing Decision 14-UI-24411, dismissing claimant's request for hearing as untimely. On September 18, 2014, claimant filed two applications for review with the Employment Appeals Board (EAB).

¹ Hearing Decision 14-UI-22909

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-24394 and 14-UI-24411. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 1504 and 1552).

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

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

DECISION: Hearing Decisions 14-UI-24394 and 14-UI-24411 are affirmed. Administrative decisions # 153114 and # 105832 remain undisturbed.

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

DATE of Service: September 29, 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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