

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1798

*Affirmed*  
*Late Request for Hearing Dismissed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On September 2, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 93438) concluding claimant voluntarily left work without good cause. On September 22, 2014, decision # 93438 became final without a request for hearing having been filed. On September 26, 2014, claimant filed an untimely request for hearing. On October 8, 2014, ALJ Kangas issued Hearing Decision 14-UI-26562 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 October 14, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On November 10, 2014, ALJ Kangas reviewed claimant's response and issued Hearing Decision 14-UI-28457 re-dismissing claimant's request for hearing. On November 19, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 26, 2006). The argument also contained information that was not part of the hearing record, and failed to show that circumstances beyond claimant's reasonable control prevented claimant from offering the information to the ALJ. *See* OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence by the ALJ in reaching this decision. *See* ORS 657.275(2).

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-28457 is affirmed.

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<sup>1</sup> Hearing Decision 14-UI-26562

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

**DATE of Service: December 4, 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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