

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1879

*Affirmed*  
*Late Requests for Hearing Denied*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On October 17, 2014, the Oregon Employment Department (the Department) served notice of an amended administrative decision concluding claimant voluntarily left work without good cause (decision # 110928). On October 31, 2014, the Department served notice of an administrative decision (decision #195054) assessing a \$426 overpayment, \$63.90 in monetary penalties, and 4 penalty weeks based on decision # 110928. On November 6, 2014, amended administrative decision # 110928 became final without a request for hearing having been filed. On November 20, 2014, administrative decision # 195054 became final without a request for hearing having been filed. On November 28, 2014, claimant filed late requests for hearing on both decisions.

On December 1, 2014, ALJ Kangas issued Amended Hearing Decision 14-UI-29562, dismissing claimant's request for hearing on decision # 110928 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 decisions were mailed.<sup>1</sup> On December 2, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On December 4, 2014, ALJ Kangas issued two issued Hearing Decisions 14-UI-29819 and 14-UI-29865, re-dismissing claimant's late requests for hearing. On December 10, 2014, claimant filed an application for review of both decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-29819 and 14-UI-29865. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1879 and 2014-EAB-1800).

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<sup>1</sup> Hearing Decision 14-UI-29562.

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

**DECISION:** Hearing Decisions 14-UI-14-UI-29819 and 14-UI-29865 are affirmed.

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

**DATE of Service: December 15, 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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<sup>2</sup> Hearing Decision 14-UI-29865 does not contain an Exhibit 3. That exhibit, claimant’s response to the Appellant Questionnaire, is contained in the record of Hearing Decision 14-UI-29819.