

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1879-R

Request for Reconsideration Denied

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.¹ 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).

On December 15, 2014, the EAB issued Appeals Board Decisions 2014-EAB-1879 and 2014-EAB-1880, in which it affirmed the hearing decisions under review. On December 16 and 17, 2014, claimant submitted written arguments. Under the authority granted to us by ORS 657.290(3), we will reconsider Appeals Board Decisions 2014-EAB-1879 and 2014-EAB-1880 to consider claimant's written argument. We have consolidated our reconsideration of these decisions, and, for case-tracking purposes, issued this decision in duplicate (2014-EAB-1879-R and 2014-EAB-1880-R).

CONCLUSION AND REASONS: Claimant's requests for reconsideration are denied.

¹ Hearing Decision 14-UI-29562.

In Appeals Board Decisions 2014-EAB-1879 and 2014-EAB-1880, the Board affirmed Hearing Decisions 14-UI-29819 and 14-UI-29865, re-dismissing claimant's late requests for hearing. Under OAR 471-041-0145(1), EAB may reconsider a decision to correct an error of fact or law, or to explain any unexplained inconsistency with a Department rule or practice, or an officially stated Department position. In his request for reconsideration, claimant alleges no error of fact or law that EAB made in Appeals Board Decisions 2014-EAB-1879 and 2014-EAB-2880. In addition, we note that claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0145(2)(a). Accordingly, we find no basis for reconsidering these decisions.

DECISION: Claimant's requests for reconsideration are denied. Appeals Board Decisions 2014-EAB-1879 and 2014-EAB-1880 remain undisturbed.

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

DATE of Service: December 19, 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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