

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1953

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On June 25, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 94418) concluding claimant voluntarily left work without good cause. On July 15, 2014, administrative decision # 94418 became final without a request for hearing having been filed. On August 1, 2014, the Department served notice of an administrative decision (decision # 105511), assessing a \$11,075 overpayment based on decision # 94418. On August 8, 2014, claimant filed a late request for hearing on decision # 94418. On August 15, 2014, ALJ Kangas issued Hearing Decision 14-UI-23448, 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 August 29, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On October 3, 2014, ALJ S. Lee conducted a hearing, and on October 9, 2014 issued Hearing Decision 14-UI-26657, affirming the Department's decision # 94418.² On October 29, 2014, Hearing Decision 14-UI-26657 became final without an application for review having been filed.

On August 21, 2014, administrative decision # 105511 became final without a request for hearing having been filed. On August 29, 2014 claimant filed a late request for hearing on decision # 105511. On September 9, 2014, ALJ Kangas issued Hearing Decision 14-UI-24833, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting

¹ Hearing Decision 14-UI-23448.

² A copy of Hearing Decision 14-UI-26657 is marked as EAB Exhibit 1. A copy of EAB Exhibit 1 is included with this decision. Any party that objects to the admission of EAB Exhibit 1 must submit its objection in writing, explaining the basis for the objection, within 10 days of the date on which this decision was mailed. Unless such an objection is received, EAB Exhibit 1 will remain part of the record.

responses to the “Appellant Questionnaire” attached to the hearing decision within 14 days of the date the decision was mailed.³ On September 11, 2014, the Office of Administrative Hearings (OAH) received claimant’s response. On September 18, 2014 and on October 20, 2014, OAH issued a “Cancellation of Hearing Decision” for Hearing Decision 14-UI-24833. On November 13, 2014, ALJ S. Lee conducted a hearing, and on December 24, 2014 issued Amended Hearing Decision 14-UI-30972, affirming the Department’s overpayment decision # 105511. On December 29, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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-30972 is affirmed.

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

DATE of Service: January 7, 2015

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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³ Hearing Decision 14-UI-24833.