

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0191

Affirmed
Late Request for Hearing Dismissed
Disqualification

PROCEDURAL HISTORY: On July 16, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause on April 30, 2013 (decision # 92329). On August 5, 2014, decision # 92329 became final without a request for hearing having been filed. On December 23, 2014, claimant filed an untimely request for hearing.¹

On January 12, 2015, ALJ Kangas issued Hearing Decision 15-UI-31667, dismissing claimant's request for hearing regarding decision # 92329 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.² On January 21, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On February 3, 2015, ALJ Kangas issued Hearing Decision 15-UI-32824, cancelling Hearing Decision 15-UI-31667 and re-dismissing claimant's request for hearing on decision # 92329. On February 19, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant provided no explanation for her late request for hearing in either her response to the OAH "Appellant Questionnaire" or her application for review with EAB. Claimant's address of record has remained unchanged since decision # 92329 was issued. We agree with the ALJ that claimant "did not provide any information that an excusable mistake or factors beyond her reasonable control prevented

¹ Claimant currently has two overpayment cases pending at the OAH, 2015-UI-27316 and 2015-UI-27317, based on two administrative decisions issued December 16, 2014 associated with decision # 92329. Claimant filed her late request for hearing on decision # 92329 one week after receiving the overpayment decisions issued December 16, 2014. However, page 2 of decision # 92329 provided: "NOTICE: This decision results from information obtained after the original decision to pay or not pay benefits, and may create an overpayment if you were previously allowed benefits."

² Hearing Decision 15-UI-31667.

her from filing a timely hearing request.” Page 2 of Hearing Decision 15-UI-32824. Claimant has not shown good cause for her late request for hearing.

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 15-UI-32824 is affirmed.

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

DATE of Service: February 27, 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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