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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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AAA 005.00
VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0216

Affirmed
Late Requests for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On June 14, 2011, the Oregon Employment Department (the Department) served notice of two administrative decisions concluding that claimant voluntarily left work without good cause (decision # 103249) and that claimant was not available for work (decision # 111924). On July 5, 2011, decisions # 103249 and # 111924 became final without a request for hearing having being filed. On August 5, 2011, the Department served notice of an administrative decision assessing a \$11,955 overpayment, \$1,793.25 in monetary penalties, and 52 penalty weeks based on decisions # 103249 and # 111924. On August 25, 2011, the overpayment decision became final without a request for hearing having being filed. On January 2, 2015, claimant filed late requests for hearing.

On January 13, 2015, ALJ Kangas issued three Hearing Decisions, 15-UI-31723, 15-UI-31725 and 15-UI-31726 dismissing claimant's hearing requests as untimely, subject to claimant's "right to renew" her requests by submitting an "Appellant Questionnaire" within 14 days of the date on which the decisions were mailed.¹ On February 2, 2015, the Office of Administrative Hearings (OAH) received claimant's late response to the "Appellant Questionnaire." By letter dated February 6, 2015, OAH informed claimant that her response to the "Appellant Questionnaires" would not be considered because it was late and that Hearing Decisions 15-UI-31723, 15-UI-31725 and 15-UI-31726, dismissing claimant's late

¹ Hearing Decisions 15-UI-31723, 15-UI-31725 and 15-UI-31726.

request for hearing, remained in effect. On February 25, 2015, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-31723, 15-UI-31725 and 15-UI-31726. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2015-EAB-0214, 2015-EAB-0215 and 2015-EAB-0216).

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 Decisions 15-UI-31723, 15-UI-31725 and 15-UI-31726 are affirmed.

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

DATE of Service: March 4, 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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