

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0261

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On August 25, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$1,614 overpayment, \$322.80 in monetary penalties and 12 penalty weeks based on unreported wages (decision # 194019). On September 15, 2014, decision # 194019 became final without a request for hearing having been filed. On January 16, 2015, claimant filed a late request for hearing. On January 29, 2015, ALJ Kangas issued Hearing Decision 15-UI-32564, dismissing claimant's request for hearing on decision # 194019 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 February 7, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On February 19, 2015, ALJ Kangas reviewed claimant's response and issued Hearing Decision 15-UI-33685, cancelling Hearing Decision 15-UI-32564, and re-dismissing claimant's January 16, 2015 request for hearing. On March 9, 2015, 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 15-UI-33685 is affirmed.

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

DATE of Service: March 12, 2015

¹ Hearing Decision 15-UI-32564.

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 Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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