

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0320

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On September 5, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 194047) concluding claimant willfully made a misrepresentation to obtain benefits, and assessing a \$244 overpayment, \$36.60 in monetary penalties and 52 penalty weeks. On September 25, 2013, administrative decision # 194047 became final without a request for hearing having been filed. On February 25, 2015, claimant filed a late request for hearing.

On March 6, 2015, ALJ Kangas issued Hearing Decision 15-UI-34667, 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 March 10, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On March 19, 2015, ALJ Kangas reviewed claimant's response and issued Hearing Decision 15-UI-35388, cancelling Hearing Decision 15-UI-34667, and re-dismissing claimant's February 25, 2015 request for hearing. On March 23, 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-35388 is affirmed. Administrative decision # 194047 remains undisturbed.

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

¹ Hearing Decision 15-UI-34667.

DATE of Service: April 1, 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 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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