

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0357**

*Affirmed*  
*Late Request for Hearing Denied*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On August 26, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant willfully made a misrepresentation to obtain benefits, and assessing a \$30,588 overpayment, \$4,588.20 in monetary penalties and 52 penalty weeks based on under-reported income. On September 15, 2014, the administrative overpayment decision became final without a request for hearing having been filed. On January 20, 2015, claimant filed a late request for hearing.

On January 29, 2015, ALJ Kangas issued Hearing Decision 15-UI-32545, 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.<sup>1</sup> On February 11, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On February 13, 2015, OAH issued a "Cancellation of Hearing Decision" for Hearing Decision 15-UI-32545. On March 24, 2015, ALJ Clink conducted a hearing and, on March 27, 2015 issued Hearing Decision 15-UI-35928, re-dismissing claimant's late request for hearing. On March 30, 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-35928 is affirmed. The administrative decision issued August 26, 2014 remains undisturbed.

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

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<sup>1</sup> Hearing Decision 15-UI-32545.

**DATE of Service: April 2, 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](http://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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