

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0567

Affirmed
Late Requests for Hearing Dismissed
Ineligible
Overpayment Assessed

PROCEDURAL HISTORY: On February 28, 2014, the Oregon Employment Department (Department) served notice of a decision (# 81301) concluding that claimant was not available for work for the period of January 5, 2014 through February 8, 2014 (weeks 2-14 through 6-14). On March 20, 2014, decision #81301 became final without a request for hearing having been filed. On June 11, 2014, the Department served notice of an administrative decision (# 150607) assessing a \$2,152 overpayment based on decision #81301. On July 1, 2014, decision #150607 became final without a request for a hearing having been filed. On September 17, 2014, claimant filed a late request for hearing on decision #81301. On September 24, 2014, ALJ Kangas issued Hearing Decision 14-UI-25798, dismissing claimant's hearing request on decision # 81301 as untimely, subject to claimant's "right to renew" her request by submitting an "Appellant Questionnaire" within 14 days of the date on which the decisions were mailed.¹

On February 6, 2015, the Office of Administrative Hearings (OAH) received claimant's late response to the "Appellant Questionnaire", and claimant's late request for hearing on the overpayment decision (decision #150607). On February 23, 2015, ALJ Kangas issued Hearing Decision 15-UI-33851, dismissing claimant's hearing request on decision # 150607 as untimely, subject to claimant's "right to renew" her request by submitting an "Appellant Questionnaire" within 14 days of the date on which the decisions were mailed.² By letters dated April 28, 2015, OAH informed claimant that her responses to the "Appellant Questionnaires" would not be considered because they were late and that Hearing Decisions 14-UI-25798 and 15-UI-33851, dismissing claimant's late requests for hearing, remained in effect. On May 15, 2015, claimant filed applications for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record.

¹ Hearing Decision 14-UI-25798.

² Hearing Decision 15-UI-33851.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-25798 and 15-UI-33851. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0566 and 2015-EAB-0567).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are adopted.

DECISION: Hearing Decisions 14-UI-25798 and 15-UI-33851 are affirmed.

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

DATE of Service: May 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 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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