

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0693

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties Assessed

PROCEDURAL HISTORY: On April 16, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (# 194558) assessing a \$12,755 overpayment, a \$3,826.50 monetary penalty, and 52 penalty weeks. On May 6, 2014, the administrative decision became final without a request for hearing having been filed. On March 31, 2015, claimant filed an untimely request for hearing. On April 8, 2015, ALJ Kangas issued Hearing Decision 15-UI-36492, dismissing claimant's hearing request as untimely, subject to claimant's right to renew the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date on which the decision was mailed.¹ On April 22, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On May 6, 2015, OAH issued a "Cancellation of Hearing Decision" for Hearing Decision 15-UI-36492. On May 20, 2015, ALJ Logan conducted a hearing, and on May 21, 2015, issued Hearing Decision 15-UI-38880, re-dismissing claimant's late request for hearing. On June 4, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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

¹ Hearing Decision 15-UI-36492.

DECISION: Hearing Decision 15-UI-38880 is affirmed.

Susan Rossiter and D. P. Hettle, *pro tempore*;
J. S. Cromwell, not participating.

DATE of Service: June 19, 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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