

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0948

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On November 5, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #196098) assessing a \$1,076 overpayment, 8 penalty weeks and a \$161.40 monetary penalty. On November 25, 2014, decision #196098 became final without a request for hearing having been filed. On June 23, 2015, claimant filed an untimely hearing request. On July 1, 2015, ALJ Kangas issued Hearing Decision 15-UI-40940, dismissing claimant's request for hearing, subject to claimant's right to renew the request by returning an appellant questionnaire within 14 days of the date on which the decision was mailed. Claimant timely returned the appellant questionnaire. By letter dated July 13, 2015, the Office of Administrative Hearings (OAH) cancelled Hearing Decision 15-UI-40940. On July 27, 2015, ALJ Holmes-Swanson conducted a hearing and on August 4, 2015, issued Hearing Decision 15-UI-42524, re-dismissing claimant's hearing request. On August 8, 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-42524 is affirmed.

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

DATE of Service: August 12, 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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