

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1064

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On May 21, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$2, 253 overpayment, a \$675.90 monetary penalty, and 18 penalty weeks. On June 10, 2015 this decision became final without a request for hearing having been filed. On July 15, 2015, claimant filed an untimely hearing request. On July 23, 2015, ALJ Kangas issued Hearing Decision 15-UI-41937, dismissing claimant's hearing request, subject to claimant's right to renew the request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated July 30, 2015, the Office of Administrative Hearings cancelled Hearing Decision 15-UI-41937. On August 14, 2015, ALJ Murdock conducted a hearing, and on August 20, 2015, issued Hearing Decision 15-UI-43279, re-dismissing claimant's hearing request. On September 4, 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-43279 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 16, 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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