

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0163

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On September 28, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$3,051 overpayment, \$915.30 monetary penalty and 23 penalty weeks (decision # 195157). On October 19, 2015, decision # 195157 became final without claimant having filed a request for hearing. On December 10, 2015, claimant filed a late request for hearing. On December 17, 2015, ALJ Kangas issued Hearing Decision 15-UI-49578, dismissing claimant's hearing request subject to his right to renew the request by responding to an appellant questionnaire by December 31, 2015. On December 23, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On December 31, 2015, OAH mailed a letter stating Hearing Decision 15-UI-49578 was canceled. On January 6, 2016, OAH mailed notice of a hearing scheduled for January 25, 2016. On January 25, 2016, ALJ Triana conducted a hearing, and on January 28, 2016 issued Hearing Decision 16-UI-51870, re-dismissing claimant's request for hearing. On February 10, 2016, 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 16-UI-51870 is affirmed.

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

DATE of Service: February 24, 2016

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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