

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0243**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On May 9, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 194424) concluding that claimant was overpaid benefits in the amount of \$2,817, and assessing a \$422.55 monetary penalty and 46 penalty weeks. On May 29, 2013, decision # 194424 became final without a request for hearing having been filed. On January 29, 2016, claimant filed an untimely request for hearing. On February 3, 2016, ALJ Kangas issued Hearing Decision 16-UI-52259, dismissing claimant's hearing request as untimely, subject to claimant's right to renew the request by responding to an appellant questionnaire within 14 days. On February 19, 2016, claimant responded to the appellant questionnaire. Also on February 19, 2016, claimant filed application for review with the Employment Appeals Board (EAB). By letter dated February 22, 2016, the Office of Administrative Hearings informed claimant that her response to the appellant questionnaire was untimely and that Hearing Decision 16-UI-52259 remained in effect.

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-52259 is affirmed.

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

**DATE of Service:** March 7, 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](http://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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