

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0310**

*Affirmed*  
*Late Request for Hearing Denied*

**PROCEDURAL HISTORY:** On May 28, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$3053 overpayment, \$457.95 monetary penalty, and 52 penalty weeks (decision # 194242). On June 17, 2013, decision # 194242 became final without a request for hearing having been filed. On October 15, 2015, claimant filed a late request for hearing by telephone. On October 28, 2015, ALJ Kangas issued Hearing Decision 15-UI-46717, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by November 11, 2015. On November 4, 2015, the Office of Administrative Hearings (OAH) received claimant's response. On November 12, 2015, OAH mailed claimant a letter titled "Cancellation of Hearing Decision," and a notice of hearing scheduling a hearing on claimant's request for November 30, 2015. On November 30, 2015, ALJ Murdock conducted a hearing, and on December 2, 2015 issued Hearing Decision 15-UI-47683, re-dismissing claimant's late request for hearing on decision # 194242. On December 7, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

On December 15, 2015, EAB issued Appeals Board Decision 2015-EAB-1479, reversing and remanding Hearing Decision 15-UI-47683 for a new hearing with an Italian language interpreter, and a new hearing decision. On February 16 and March 3, 2016, ALJ Murdock conducted a hearing, and on March 7, 2016, issued Hearing Decision 16-UI-54500, dismissing claimant's late request for hearing. On March 12, 2016, claimant failed an application for review of Hearing Decision 16-UI-54500 with 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**.

**DECISION:** Hearing Decision 16-UI-54500 is affirmed.

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

**DATE of Service:** April 8, 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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