

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0452

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 18, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant willfully misrepresented earnings to obtain benefits, and therefore was overpaid \$1,683 in benefits that he must repay, is disqualified for 15 weeks of future benefits, and assessed a \$252.45 monetary penalty. That decision became final on June 7, 2010 without a request for hearing having been filed. On April 7, 2015, claimant filed a late request for hearing. On April 14, 2015, ALJ Kangas issued Hearing Decision 15-UI-36807, dismissing claimant's late request for hearing subject to claimant's right to renew the request by responding to an appellant questionnaire by April 28, 2015. Claimant did not respond to the appellant questionnaire. On March 29, 2016, claimant again requested a hearing. On March 30, 2016, ALJ Kangas issued a letter notifying claimant that because he did not respond to the appellant questionnaire by April 28, 2015, another order regarding claimant's late request for hearing would not be issued, and that Hearing Decision 15-UI-36807 therefore remained in effect. On April 15, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 15-UI-36807 is affirmed.

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

DATE of Service: April 20, 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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