

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0593

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On October 30, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$4,157 overpayment, \$1,039.25 monetary penalty and 35 penalty weeks (decision # 193972). On November 19, 2015, decision # 193972 became final without claimant having filed a request for hearing. On March 28, 2016, claimant filed a late request for hearing. On March 30, 2016, ALJ Kangas issued Hearing Decision 16-UI-56134, dismissing claimant's hearing request subject to her right to renew the request by responding to an appellant questionnaire by April 13, 2016. On April 6, 2016, the Office of Administrative Hearings (OAH) received claimant's response. On May 5, 2016, ALJ Kangas conducted a hearing, and issued Hearing Decision 16-UI-59027, re-dismissing claimant's request for hearing. On May 11, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

With claimant's application for review, claimant included another copy of the appellant questionnaire she submitted to OAH on April 6, 2016, which we construe as her written argument. However, claimant failed to certify that she provided a copy of those documents 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. Even if we had, the outcome would remain the same, because the documents are duplicates of materials already in the record.

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-59027 is affirmed.

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

DATE of Service: May 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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