

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0890

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On August 27, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$580 overpayment, \$87 monetary penalty and 5 penalty weeks (decision # 194290). On September 16, 2014, decision # 194290 became final without claimant having filed a timely request for hearing. On July 6, 2016, claimant filed a late request for hearing. On July 11, 2016, ALJ Kangas issued Hearing Decision 16-UI-63496, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by July 25, 2016. On July 19, 2016, claimant responded to the questionnaire. On July 26, 2016, ALJ Kangas reviewed claimant's response and issued Hearing Decision 16-UI-64452, re-dismissing claimant's response. On July 29, 2016, claimant filed an application for review of Hearing Decision 16-UI-64452 with the Employment Appeals Board (EAB).

Claimant submitted a written argument to EAB in which he disagreed with the Department's conclusion in decision # 194290 that claimant made a misrepresentation or was liable for the 5 week penalty disqualification from future benefits. However, the issue before EAB is confined to whether or not claimant had good cause for the late request for hearing. Because we have concluded he did not, EAB does not have jurisdiction to review the merits of decision # 194290, including whether or not claimant made a misrepresentation.

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-64452 is affirmed.

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

DATE of Service: August 4, 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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