

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0896

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On April 12, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 20230) assessing a \$679 overpayment. On May 2, 2016, decision # 20230 became final without a request for hearing having been filed. On June 1, 2016, claimant filed an untimely request for hearing. On June 8, 2016, ALJ Kangas issued Hearing Decision 16-UI-61267, dismissing claimant's request for hearing as untimely, subject to claimant's right to renew his request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated June 21, 2016, the Office of Administrative Hearings cancelled Hearing Decision 16-UI-61267. On July 14, 2016, ALJ M. Davis conducted a hearing, and on July 15, 2016, issued Hearing Decision 16-UI-63838, re-dismissing claimant's request for hearing as untimely without good cause. On August 2, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

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

DECISION: Hearing Decision 16-UI-63838 is affirmed.

Susan Rossiter and D. P. Hettle;
J. S. Cromwell, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.