

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-1154**

*Affirmed*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On January 5, 2012, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$3,034 overpayment, a \$455.10 monetary penalty, and 25 penalty weeks. On January 25, 2012, the administrative decision became final without a request for hearing having been filed. On August 5, 2016, claimant filed an untimely hearing request. On August 10, 2016, ALJ Kangas issued Hearing Decision 16-UI-65319, dismissing claimant's late request for hearing subject to claimant's right to renew her request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated September 7, 2016, the Office of Administrative Hearings cancelled Hearing Decision 16-UI-65319. On October 5, 2016, ALJ M. Davis conducted a hearing, and on October 6, 2016, issued Hearing Decision 16-UI-78799, allowing claimant's late request for hearing and affirming the administrative decision. On October 14, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

No adversely affected party requested review of the portion of Hearing Decision 16-UI-78799 that concluded claimant had good cause for filing a late request for hearing. We therefore confined our review to the issues of claimant's overpayment.

EAB reviewed the entire record in this case. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 16-UI-68699 is affirmed.

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

**DATE of Service:** November 7, 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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