

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0118

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On November 18, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was overpaid \$4,658 in benefits that she is liable to repay or have deducted from any benefits otherwise payable (decision # 105620). On December 8, 2016, decision # 105620 became final without claimant having filed a request for hearing. On December 29, 2016, claimant filed a late request for hearing. On January 4, 2017, ALJ Kangas issued Hearing Decision 17-UI-74029, dismissing claimant's request for hearing subject to her right to renew the request by responding to an appellant questionnaire by January 18, 2017. On January 17, 2017, claimant filed a timely response. ALJ Kangas considered the response, and on January 19, 2017, issued Hearing Decision 17-UI-74996, re-dismissing claimant's request for hearing as untimely without good cause. On January 28, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

With her application for review, claimant submitted new information for EAB's consideration. However, claimant's new information is not relevant and material to EAB's determination of the issue before us, whether claimant established good cause to extend the deadline for filing her request for hearing on decision # 105620 to December 29, 2016. EAB therefore did not consider claimant's new information when reaching this decision. *See* ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006).

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 17-UI-74996 is affirmed.

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

DATE of Service: February 2, 2017

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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