

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1433

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On August 16, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was overpaid \$3540 in benefits (decision # 142702). On September 5, 2017, decision # 142702 became final without claimant having filed a request for hearing. On October 16, 2017, claimant filed a late request for hearing. On October 23, 2017, ALJ Kangas issued Hearing Decision 17-UI-95115, dismissing claimant's request for hearing subject to his right to renew the request by filing a response to an appellant questionnaire by November 6, 2017. Claimant filed a timely response to the appellant questionnaire. On November 9, 2017, the Office of Administrative Hearings (OAH) cancelled and vacated Hearing Decision 17-UI-95115, and on November 20, 2017 scheduled a hearing for December 5, 2017. On December 5, 2017, ALJ Meerdink conducted a hearing and issued Hearing Decision 17-UI-98280, re-dismissing claimant's request for hearing as untimely without good cause. On December 12, 2017, claimant filed an application for review of Hearing Decision 17-UI-98280 with the Employment Appeals Board (EAB).

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-98280 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: December 21, 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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