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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1472

Affirmed
Late Request for Hearing Allowed
Overpayment and Penalties

PROCEDURAL HISTORY: On December 15, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$4,154.00 overpayment, \$1,246.20 monetary penalty and 32 penalty weeks (decision # 195642). On January 5, 2015, decision # 195642 became final without claimant having filed a timely request for hearing. On October 18, 2017, claimant filed a late request for hearing. On October 23, 2017, ALJ Kangas issued Hearing Decision 17-UI-95162, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by November 6, 2017. On November 5, 2017, the Office of Administrative Hearings (OAH) received claimant's response. On November 6, 2017, OAH mailed a letter to claimant stating that Hearing Decision 17-UI-95162 was canceled. On November 29, 2017, ALJ Clink conducted a hearing, and on December 1, 2017 issued Hearing Decision 17-UI-98038, allowing claimant's late request for hearing and affirming decision # 195642. On December 20, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

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

DECISION: Hearing Decision 17-UI-98038 is affirmed.

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

DATE of Service: January 24, 2018

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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