

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0076**

*Affirmed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On August 2, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for Renew Consulting without good cause (decision # 104625). Claimant filed a timely request for hearing. On October 13, 2017, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 26, 2017. On October 26, 2017, claimant failed to appear at the hearing, and on October 27, 2017, ALJ issued Hearing Decision 17-UI-95543, dismissing claimant's request for hearing due to his failure to appear. On November 16, 2017, Hearing Decision 17-UI-95543 became final without claimant having filed a request to reopen the hearing or an application for review of Hearing Decision 17-UI-95543 with the Employment Appeals Board (EAB).

On November 29, 2017, the Department served notice of an administrative decision, based on decision # 104625, concluding that claimant was overpaid \$7,696 in benefits that he must repay (decision # 115547). Claimant filed a timely request for hearing on that decision. On January 11, 2018, ALJ Janzen conducted a hearing on decision # 115547 and issued Hearing Decision 18-UI-100743, affirming the Department's decision. On January 20, 2018, claimant filed an application for review of Hearing Decision 18-UI-100743 with the Employment Appeals Board (EAB). On January 22, 2018, EAB notified claimant that it had received his application for review.

In his application for review, claimant requested three months or more to "get or gather proof on my case!!" However, when EAB receives a valid and timely application for review, it notifies all parties by mail or email. OAR 471-041-0075 (October 29, 2006). Parties may submit written argument and offer new information for EAB's consideration<sup>1</sup> *within 20 days* of the date that EAB mails or emails that notice. OAR 471-041-0080(1) (October 29, 2006). At the discretion of EAB, the time allowed for submitting written arguments may be extended for one or more periods, *not to exceed a total of 14 days*.

<sup>1</sup> Information not received into evidence at the hearing will not be considered on review, except that new information may be considered when the party offering the information establishes that the new information is relevant and material to EAB's determination, and that factors or circumstances beyond the party's reasonable control prevented the party from offering the information into evidence at the hearing. OAR 471-041-0090 (October 29, 2006).

OAR 471-041-0080(4). Claimant's request for three months or more to get or gather proof on his case therefore is denied.

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 18-UI-100743 is affirmed.

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

**DATE of Service: February 1, 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](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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