

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0274**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On December 3, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$2,309 overpayment, \$346.35 monetary penalty and 23 penalty weeks. On December 23, 2010, that decision became final without claimant having filed a timely request for hearing. On January 2, 2018, claimant filed a late request for hearing. On January 8, 2018, ALJ Kangas issued Hearing Decision 18-UI-100450, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by January 22, 2018. On January 16, 2018, claimant responded to the questionnaire. On January 30, 2018, the Office of Administrative Hearings mailed a letter to claimant stating that Hearing Decision 18-UI-100450 was canceled. On February 20, 2018, ALJ Murdock conducted a hearing, and on February 23, 2018 issued Hearing Decision 18-UI-103923, re-dismissing claimant's late request for hearing. On March 12, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had the outcome of this decision would remain the same for the reasons explained in Hearing Decision 18-UI-103923.

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-103923 is affirmed.

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

**DATE of Service:** March 28, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.