

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-1053

Affirmed
Late Request for Hearing Allowed
Overpayment Assessed

PROCEDURAL HISTORY: On August 15, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$390 overpayment that claimant was required to repay (decision # 130723). On September 4, 2018, decision # 130723 became final without claimant having filed a timely request for hearing. On September 12, 2018, claimant filed a late request for hearing. On September 13, 2018, ALJ Kangas issued Order No. 18-UI-116496, dismissing claimant's late request for hearing subject to her right to renew the request by responding to an appellant questionnaire by September 27, 2018. On September 22, 2018, claimant responded to the appellant questionnaire. On September 14, 2018, the Office of Administrative Hearings (OAH) cancelled and vacated Order No. 18-UI-116496, and on September 26, 2018 scheduled a hearing for October 11, 2018 on claimant's late request for hearing and, if appropriate, the merits of decision # 130723. On October 11, 2018, ALJ Shoemake conducted a hearing, and on October 19, 2018 issued Order No. 18-UI-118405, allowing claimant's late request for hearing and affirming decision # 130723. On November 5, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument to the extent it was based upon that record. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

DECISION: Order No. 18-UI-118405 is affirmed.

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

DATE of Service: November 29, 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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