

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0054

Affirmed

Late Request to Reopen Dismissed

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PROCEDURAL HISTORY: On August 21, 2013, the Oregon Employment Department (the Department) served two notices of a two part administrative decision (#194288). One part of the decision assessed a \$3,964 overpayment and a \$594.60 monetary penalty, and disqualified claimant for 43 weeks of future benefits based on unreported work and earnings. The second part of the decision assessed a \$1,285 overpayment and a \$192.75 monetary penalty based on unreported work and earnings. On August 26, 2013, claimant filed a timely request for a hearing. On October 16, 2013, the Office of Administrative Hearings issued a notice for a hearing on the administrative decision scheduled for October 23, 2013 at 10:45 a.m. On October 23, 2013, ALJ Bear issued Hearing Decisions 13-UI-03159 and 13-UI-03160 that dismissed claimant's request for hearing for failure to appear at the hearing. On November 12, 2013, Hearing Decisions 13-UI-03159 and 13-UI-03160 became final without applications for review having been filed.

On December 13, 2013, claimant filed a late request to reopen the hearing. On January 3, 2014, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decisions 14-UI-07643 and 14-UI-07644, dismissing claimant's request. On January 3, 2014, claimant filed applications for review of both Hearing Decisions with the Employment Appeals Board.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-07643 and 14-UI-07644. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-14-0052 and 2014-14-0055).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 14-UI-07643 and 14-UI-07644 are affirmed.
Decisiones de la Audiencia 14-UI-07643 y 14-UI-97644 son afirmadas.

Susan Rossiter and Tony Corcoran;
D. E. Larson, not participating.

DATE of Service: January 24, 2014

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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.

NOTA: *Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante el Tribunal de Apelaciones de Oregon dentro de los 30 días siguientes a la fecha de notificación enumerados anteriormente. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la (Oregon Court of Appeals, Records Section) Corte de Apelaciones de Oregon, Sección de Registros, 1163 State Street, Salem, Oregon 97310, o visitando el sitio en el Internet en <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.*

Nota: el vínculo anterior puede no funcionar debido a cambios sin previo aviso al sitio en el Internet de la Corte de Apelaciones, dádose el caso puede ponerse en contacto con el Registro de Apelaciones (Appellate Records) al (503) 986-5555.