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

871
MC 010.05
AAA 005.00

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0103

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On April 9, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from March 10, 2013 to March 30, 2013 (decision # 145438). On April 29, 2013, decision # 145438 became final without a request for hearing having been filed. On November 1, 2013, the Department issued an administrative decision (decision # 135233) assessing a \$309 overpayment based on decision # 145438. Claimant filed a request for hearing. On December 30, 2013, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for January 9, 2014, one at 9:30 a.m., and one at 10:45 a.m. On January 9, 2013, ALJ Kirkwood conducted a hearing and issued Hearing Decisions 14-UI-08249, dismissing claimant's late request for hearing with respect to decision # 145438, and 14-UI-08247, affirming the overpayment decision #135233. On January 15, 2014, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-08247 and 14-UI-08249. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0103 and 201-EAB-0104).

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.

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

DECISION: Hearing Decisions 14-UI-08247 and 14-UI-08249 are affirmed.

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

DATE of Service: January 29, 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.