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

071  
AAA 005.00  
MC 010.05

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<p><b>EMPLOYMENT APPEALS BOARD DECISION</b> <b>2014-EAB-0128</b></p>
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*Affirmed*  
*Late Request for Hearing Dismissed*  
*Overpayments*

**PROCEDURAL HISTORY:** On April 12, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from October 21, 2012 to March 9, 2013 (decision # 84850). On May 2, 2013, decision # 84850 became final without a request for hearing having been filed. On November 1, 2013, the Department served notice of an administrative decision (decision # 142854) assessing a \$8,908 overpayment in Regular Unemployment Insurance Benefits (UI) based on decision # 84850. On November 5, 2013, the Department served notice of an administrative decision (decision # 93716) assessing a \$1,048 overpayment in Emergency Unemployment Insurance Benefits (EUC) based on decision # 84850. On November 5, 2013, claimant filed a request for hearing.

On December 13, 2013, the Office of Administrative Hearings (OAH) issued two notices of a consolidated hearing scheduled for December 31, 2013, at 9:30 a.m. On December 16, 2013, OAH issued notice of a hearing scheduled for December 31, 2013 at 8:15 a.m. On December 31, 2013, Holmes-Swanson conducted a hearing and on January 2, 2014, issued Hearing Decisions 14-UI-07540, dismissing claimant's late request for hearing with respect to decision # 84850, and 14-UI-07542 and 14-UI-07545, affirming the Department's overpayment decisions. On January 21, 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-07540, 14-UI-07542 and 14-UI-07545. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-EAB-0127, 2014-EAB-0128 and 2014-EAB-0130).

EAB considered claimant's written argument to the extent it was based on the hearing record.

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-07540, 14-UI-07542 and 14-UI-07545 are affirmed.

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

**DATE of Service: February 4, 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.