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BYE: 201413

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

381
VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0274

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On July 17, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 95349). On August 6, 2013, decision # 95349 became final without a request for hearing having been filed. On November 14, 2013, the Department served notice of an administrative decision (decision # 133604), assessing a \$3,460 overpayment based on decision # 95349. On November 29, 2013, claimant filed a request for hearing. On January 22, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for February 4, 2014, one at 9:30 a.m. and one at 10:45 a.m. On February 4, 2014, ALJ Kirkwood conducted a hearing, and on February 5, 2014, issued Hearing Decisions 14-UI-09874, dismissing claimant's late request for hearing with respect to decision # 95349, and 14-UI-09880, affirming decision # 133604. On February 18, 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-09874 and 14-UI-09880. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0273 and 2014-EAB-0274).

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-09874 and 14-UI-09880 are affirmed.

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

DATE of Service: February 25, 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.