

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0341

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On March 6, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from February 3, 2013 through February 9, 2013 (decision # 144754). On March 26, 2013, decision # 144754 became final without a request for hearing having been filed. On July 29, 2013, the Department served notice of an administrative decision assessing a \$524 overpayment based on decision # 144754. On August 2, 2013, claimant filed a request for hearing on both decisions. On January 13, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for February 13, 2014, one at 9:30 a.m. and 10:45 a.m. On February 13, 2014, ALJ Bear conducted a hearing at which claimant appeared and testified, and on February 19, 2014, issued Hearing Decision 14-UI-10615, dismissing claimant's late request for hearing, and Hearing Decision 14-UI-10634, affirming the overpayment decision. On February 28, 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-10615 and 14-UI-10634. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0341 and 2014-EAB-0342).

EAB considered claimant's written argument to the extent it was relevant and 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-10615 and 14-UI-10634 are affirmed.

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

DATE of Service: March 6, 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.