

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0374

Affirmed
Late Requests for Hearing Denied
Overpayment Assessed

PROCEDURAL HISTORY: On January 20, 2012, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed without good cause to accept suitable work when offered (decision # 124429). On February 9, 2012, decision #124429 became final without a request for hearing having been filed. On May 18, 2012, the Department served notice of an administrative decision assessing a \$354 overpayment in regular unemployment insurance benefits based on decision # 124429. On June 7, 2012, the overpayment decision became final without a request for hearing having been filed. On September 18, 2013, the Department served notice of an administrative decision assessing a \$3,439 overpayment in Emergency Unemployment Compensation (EUC) based on decision #124429 (decision # 85500). On October 8, 2014, claimant filed a request for hearing on all three decisions.

On February 18, ALJ Kirkwood conducted a consolidated hearing on the administrative decisions assessing overpayments, and a hearing on administrative decision # 124429. Also on February 18, 2014, ALJ Kirkwood issued Hearing Decisions 14-UI-10566 and 14-UI-10565, denying claimant's late requests for hearings on decision #124429 and the decision that assessed a \$354 overpayment. On February 19, 2014, ALJ Kirkwood issued Hearing Decision 14-UI-10661,¹ affirming the administrative decision that assessed a \$3,430 overpayment.

On March 10, 2014, claimant filed applications for review of Hearing Decisions 14-UI-10566, 14-UI-10565, and 14-UI-10661. For case tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-14-0372, 14-UI-0373, and 14-UI-0374). EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

¹ In the "Evidentiary Rulings" section of Hearing Decision 14-UI-10661, ALJ Kirkwood incorrectly states that "Exhibits 1 through @ [sic] were admitted into the record." The sentence should state that Exhibits 1 through 3 were admitted at the consolidated hearing on the overpayment decisions. (Audio 6:31).

DECISION: Hearing Decisions 14-UI-10566, 14-UI-10565, and 14-UI-10661 are affirmed.

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

DATE of Service: March 18, 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.