

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0394

Affirmed
Late Requests for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On January 7, 2013, the Oregon Employment Department (the Department) served notice of two administrative decisions concluding that claimant was not available for work from December 9 through 15, 2013 (decision # 101227) and that claimant failed without good cause to accept suitable work when offered (decision # 120736). On January 28, 2013, decisions # 101227 and # 120736 became final without requests for hearing having been filed. On October 30, 2013, the Department served notice of an administrative decision concluding that claimant received benefits to which she was not entitled, and must repay (decision # 91839). On November 5, 2013, claimant filed requests for hearing on decisions # 101227, # 120736 and # 91839. On January 9, 2014, ALJ Vincent conducted hearings, and on February 3, 2014 issued Hearing Decisions 14-UI-09714 and 14-UI-09715, dismissing claimant's late requests for hearing on decisions # 101227 and # 120736, and Hearing Decision 14-UI-09717, affirming decision # 91839. On February 20, 2014, claimant filed applications for review of Hearing Decisions 14-UI-09714, 14-UI-09715 and 14-UI-09717 with the Employment Appeals Board (EAB). Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-09714, 14-UI-09715 and 14-UI-09717. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-EAB-0314, 2014-EAB-0315 and 2014-EAB-0394).

EAB reviewed the entire hearing record and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 14-UI-09714, 14-UI-09715 and 14-UI-09717 are affirmed.

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

DATE of Service: March 14, 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.