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

331  
AAA 005.00  
MC 010.05

**EMPLOYMENT APPEALS BOARD DECISION**

**2014-EAB-0467**

*Affirmed  
Overpayment*

**PROCEDURAL HISTORY:** On May 13, 2013, the Oregon Employment Department (the Department) served three notices of three administrative decision concluding claimant was not available for work (decisions # 145213, # 143343, and # 121605). Claimant filed a timely request for hearing. On July 23, 2013, ALJ Wyatt conducted a consolidated hearing, and issued Hearing Decisions # 13-UIB-11436 and 13-UIB-11445, concluding claimant was available for work from April 28, 2013 to July 13, 2013, and March 24, 2013 to July 13, 2013. On July 24, 2013, ALJ Wyatt issued Hearing Decision # 13-UIB-11488, concluding claimant was not available for work from March 24, 2013 to July 13, 2013. On August 13, 2013, Hearing Decision 13-UIB-11488 became final without an application for review having been filed.

On November 19, 2013, the Department served notice of an administrative decision (decision # 111404), assessing a \$1,628 overpayment in Emergency Unemployment Compensation (EUC) based on Hearing Decision 13-UIB-11488. On December 9, 2013, decision # 111404 became final without a request for hearing having been filed. On November 27, 2013, claimant filed an untimely request for hearing. On March 6, 2014, ALJ Micheletti conducted a hearing at which claimant appeared and testified, and on March 7, 2014, issued Hearing Decision 14-UI-11995, allowing claimant's late request for hearing but affirming the overpayment decision. On March 24, 2014, claimant filed an application for review with the Employment Appeals Board.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 14-UI-11995 is affirmed.

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

**DATE of Service: April 9, 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.