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

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EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0596

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On April 20, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 122601). On May 10, 2010, decision # 122601 became final without a request for hearing having been filed. On January 2, 2014, the Department served notice of an administrative decision (decision # 105913), assessing \$11,661 overpayment in Emergency Unemployment Insurance Benefits (EUC) and Federal Additional Compensation Benefits (FAC) based on decision # 122601. On January 16, 2014, claimant filed a request for hearing. On March 5, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for March 19, 2014; one at 9:30 a.m., and one at 10:45 a.m. On March 19, 2014, ALJ Triana conducted a hearing in which the employer did not appear, and on March 21, 2014, issued Hearing Decision 14-UI-13199, dismissing claimant's late request for hearing on decision # 122601, and on March 25, 2014, issued Hearing Decision 14-UI-13318, affirming decision # 105913. On April 11, 2014, claimant filed applications for review.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-13199 and 14-UI-13318. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0596 and 2014-EAB-0593).

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-13199 and 14-UI-13318 are affirmed.

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

DATE of Service: April 24, 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.