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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-0768

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On February 21, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 122122). On March 13, 2014, decision # 122122 became final without a request for hearing having been filed. That same day, the Department served notice of an administrative decision (# 194273) assessing a \$1,105 overpayment, \$165.75 in monetary penalties, and 9 penalty weeks based on decision # 122122. On March 17, 2014, claimant filed a telephone request for hearing. On March 31, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for April 14, 2014; one at 9:30 a.m., and one at 10:45 a.m. On April 14, 2014, ALJ R. Frank conducted a hearing at which claimant appeared and testified, and on April 16, 2014, issued Hearing Decision 14-UI-15288, dismissing claimant's request for hearing of decision # 122122 as untimely, and 14-UI-15290, affirming decision # 194273. On May 6, 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-15288 and 14-UI-15290. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-UI-0766 and 2014-EAB-0768).

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-15288 and 14-UI-15290 are affirmed.

Tony Corcoran and J.S. Cromwell, *pro tempore*;
Susan Rossiter and D.E. Larson, not participating.

DATE of Service: May 15, 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.