

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0902

Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On June 24, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from December 30, 2012 to January 5, 2013 (decision # 93516). On July 15, 2013, decision # 93516 became final without a request for hearing having been filed. On April 7, 2014, the Department served notice of an administrative decision assessing a \$6,477 overpayment based on decision # 93516, (decision # 92225). On April 14, 2014, claimant filed a late request for hearing on decision # 93516 and a timely request for hearing on decision # 92225.

On April 18, 2014, the Office of Administrative Hearings (OAH) issued two notices of hearings scheduled for May 2, 2014, one at 9:30 a.m. and one at 10:45 a.m. On May 2, 2014, ALJ Lohr conducted two hearings. On May 5, 2014, ALJ Lohr issued Hearing Decision 14-UI-16804 affirming the Department's decision # 92225. On May 8, 2014, ALJ issued Hearing Decision 14-UI-17092 dismissing claimant's late request for hearing on decision # 93516. On April 14, 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-16804 and 14-UI-17092. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0902 and 2014-EAB-0903).

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-16804 and 14-UI-17092 are affirmed.

Tony Corcoran and J.S. Cromwell
Susan Rossiter and D.E. Larson, not participating.

DATE of Service: June 2, 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.