

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-1031

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On January 9, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 134197). On January 24, 2014, the Department served notice of an administrative decision (decision # 194991) assessing a \$13,180 overpayment, \$1,977 in monetary penalties, and 52 penalty weeks based on decision #134197. Claimant filed a timely request for hearing. On February 26, 2014, the Office of Administrative Hearings issued notice of two hearings scheduled for March 12, 2014 – one at 1:30 p.m. and another at 2:30 p.m. On March 12, 2014, ALJ Menegat issued Hearing Decision 14-UI-12268, dismissing claimant’s request for hearing on decision # 134197 for failure to appear. On March 13, 2014, ALJ Menegat issued Hearing Decision 14-UI-12299, dismissing claimant’s request for hearing on decision # 194991 for failure to appear. Claimant filed a timely request to reopen her hearings. ALJ S. Lee reviewed claimant’s request to reopen, and on May 30, 2014, issued Hearing Decision 14-UI-18753, denying claimant’s request to reopen her hearing on decision # 194991, and Hearing Decision 14-UI-18752, denying claimant’s request to reopen her hearing on decision # 13497. On June 16, 2014, claimant filed an application 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-18752 and 14-18753. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1030 and 2014-EAB-1031).

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-18752 and 14-UI-18752 are affirmed.

Tony Corcoran and J.S. Cromwell;
Susan Rossiter, not participating.

DATE of Service: July 7, 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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