

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1235

*Affirmed*  
*Late Request for Hearing Dismissed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On December 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from September 29, 2013 to December 7, 2013 (decision # 84737). On January 13, 2014, decision # 84737 became final without a request for hearing having been filed. On April 10, 2014, the Department served notice of an administrative decision assessing a \$3,666 overpayment based on decision # 84737, (decision # 94207). On April 28, 2014, claimant filed a timely request for hearing on decision # 94207. On June 12, 2014, claimant filed a late request for hearing on decision # 84737.

On June 13, 2014, the Office of Administrative Hearings (OAH) issued two notices of hearings scheduled for June 26, 2014, one at 8:15 a.m. and one at 9:30 a.m. On June 26, 2014, ALJ Logan conducted two hearings. On June 27, 2014, ALJ issued Hearing Decision 14-UI-20532 dismissing claimant's late request for hearing on decision # 84737. On June 27, 2014, ALJ Logan issued Hearing Decision 14-UI-20531 affirming the Department's decision # 94207. On July 17, 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-20531 and 14-UI-20532. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1235 and 2014-EAB-1236).

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-20531 and 14-UI-20532 are affirmed.

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

**DATE of Service: July 23, 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](http://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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