

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1314

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

**PROCEDURAL HISTORY:** On September 26, 2013, the Oregon Employment Department (the Department) served two notices of two administrative decisions; one concluding claimant received retirement pay that reduced claimant's weekly benefit for the period September 1, 2013 through September 21, 2013 (weeks 36-13 through 38-13) (decision # 144336), and one concluding claimant was disqualified for benefits for the period August 12, 2012 through November 24, 2012 (weeks 33-12 through 47-12) because he received lump sum retirement pay which exceeded his weekly benefit amount for the period claimed (decision # 155454). On October 16, 2013 decisions # 144336 and # 155454 became final without a request for hearing having been filed.

On June 16, 2014, the Department served notice of an administrative decision assessing a \$7,860 overpayment based on administrative decisions # 144336 and # 155454 (decision # 141705). On June 27, 2014, claimant filed a request for hearing. On July 15, 2014, ALJ Shoemake conducted a consolidated hearing on decisions # 144336 and # 155454, and a separate hearing on decision # 141705.

On July 18, 2014, ALJ Shoemake issued Hearing Decision 14-UI-21749 and Hearing Decision 14-UI-21750, dismissing claimant's late request for hearing on decisions # 144336 and # 155454, and Hearing Decision 14-UI-21748, affirming decision # 141705. On August 4, 2014, claimant filed three 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-21749, 14-UI-21750 and 14-UI-21748. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-EAB-1313, 2014-EAB-1314 and 2014-EAB-1315).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing records.

EAB reviewed the entire hearing records. On *de novo* review and pursuant to ORS 657.275(2), the

hearing decisions under review are **adopted**.

**DECISION:** Hearing Decisions 14-UI-21749, 14-UI-21750 and 14-UI-21748 are affirmed.

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

**DATE of Service:** August 27, 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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