

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-1325

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On January 24, 2014, the Oregon Employment Department (the Department) served notice of two administrative decisions: decision #112305 concluded that claimant was not able to work for the period November 24, 2013 through December 21, 2013 (weeks 48-13 through 51-13) and decision # 93010 assessed a \$504 overpayment based on decision #112305. On February 13, 2014, both administrative decisions became final without a request for hearing having been filed. On April 21, 2014, claimant filed an untimely request for hearing on decision #112305. On July 9, 2014, the Office of Administrative Hearings (OAH) issued notice of two hearings scheduled for July 23, 2014. On July 30, 2014, ALJ Holmes-Swanson issued two Hearing Decisions: Hearing Decision 14-UI-22473 dismissed claimant's request for hearing on decision #112305 for failure to appear and Hearing Decision 14-UI-22472 affirmed administrative decision #93010. On August 6, 2014, claimant filed a request to reopen Hearing Decision 14-UI-22473, and filed an application for review of Hearing Decision 14-UI-22472 with the Employment Appeals Board (EAB).

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-22472 is affirmed.

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

DATE of Service: September 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 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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