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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

851
AAA 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-1345

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On March 11, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from December 15, 2013 to March 8, 2014 (weeks 51-13 to 10-14) (decision # 82808). On March 31, 2014, decision # 82808 became final without a request for hearing having been filed. On Jun 26, 2014, the Department served notice of an administrative decision (decision # 143652) assessing a \$1,134 overpayment based on decision # 82808. On July 1, 2014, claimant filed a telephone request for hearing. On July 10, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for July 22, 2014, one at 1:30 p.m. and one at 2:30 p.m. On July 22, 2014, ALJ Vincent conducted a hearing, and on August 5, 2014, issued Hearing Decision 14-UI-22846, dismissing claimant request for hearing on decision # 82808 as untimely, and Hearing Decision 14-UI-22843, affirming decision # 143652. On August 11, 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-22843 and 14-UI-22846. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1344 and 2014-EAB-1345).

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-22843 and 14-UI-22846 are affirmed.

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

DATE of Service: August 14, 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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