

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1489

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

**PROCEDURAL HISTORY:** On June 25, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 130900). On July 15, 2014, decision #130900 became final without an appeal having been filed. On July 21, 2014, the Department served notice of an administrative decision (decision #85730) assessing a \$1,284 overpayment based on decision # 130900. On July 29, 2014, claimant filed a request for hearing on decisions #130900 and #85730.

On August 13, 2014, the Office of Administrative Hearings (OAH) issued notice of two hearings scheduled for August 29, 2014 – one at 8:15 a.m. and the other at 9:30 a.m. On August 29, 2014, ALJ Wyatt conducted a hearing at 8:15 a.m., and on September 3, 2014, issued Hearing Decision 14-UI-24502, dismissing claimant's request for hearing on decision #130900 as untimely. Also on August 29, 2015, ALJ Wyatt issued Hearing Decision 14-UI-24318, dismissing claimant's request for hearing on decision #85730 for failure to appear at the 9:30 a.m. hearing.

On September 15, 2014, claimant filed an application for review on Hearing Decisions 14-UI-24502 and 14-UI-24318.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-24502 and 14-UI-24318. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 1489 and 1490).

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-24502 and 14-UI-24318 are affirmed.

Susan Rossiter and Tony Corcoran;

J. S. Cromwell, not participating.

**DATE of Service: September 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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