

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0535

Hearing Decision 15-UI-37709 Affirmed, Late Request for Hearing Dismissed
Hearing Decision 15-UI-37713 Affirmed, Overpayment no Penalties

PROCEDURAL HISTORY: On February 24, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 124718). On March 16, 2015, decision # 124718 became final without an appeal having been filed. On March 30, 2015, the Department served notice of another administrative decision assessing a \$1,090 overpayment, \$163.50 in monetary penalties, and 8 penalty weeks, based on decision # 124718 (decision # 213233). On April 7, 2015, claimant filed a late request for hearing on decision # 124718, and a timely request for hearing on decision # 213233.

On April 28, 2015, ALJ M. Davis conducted two hearings, and on April 30, 2015 issued two hearing decisions; Hearing Decision 15-UI-37709 dismissed claimant's late request for hearing on decision # 124718, and Hearing Decision 15-UI-37713 concluding claimant did not willfully make a false representation to obtain benefits, and assessing a \$1,090 overpayment without monetary penalties or penalty weeks. On May 8, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-37709 and 15-UI-37713. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0534 and 2015-EAB-0535).

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 15-UI-37709 and 15-UI-37713 are affirmed.

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

DATE of Service: May 29, 2015

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 Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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