

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0631**

*Affirmed*  
*Overpayment Assessed*  
*(Se impuso sobrepago)*

**PROCEDURAL HISTORY:** On November 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work from Luises Taqueria, Inc. without good cause (decision # 143054). On December 8, 2014, claimant filed a request for hearing on that decision by fax to the Office of Administrative Hearings (OAH). On December 16, 2014, claimant mailed a second copy of her request for hearing on the same decision. On December 18, 2014, claimant faxed a third copy of her request for hearing to the Department. On December 30, 2014, the Department sent the third copy to OAH.

On December 31, 2014, OAH mailed notice of a hearing scheduled for January 15, 2015. On January 12, 2015, ALJ Kangas issued Hearing Decision 15-UI-31670 to claimant, dismissing her request for hearing on decision # 143054 as untimely, subject to claimant's right to renew the request by responding to a Spanish-language appellant questionnaire within 14 days of the date the hearing decision was mailed.

On January 15, 2015, claimant did not appear for the hearing. ALJ Shoemake issued Hearing Decision 15-UI-31922, re-dismissing claimant's request for hearing for failure to appear. On January 21, 2015, claimant filed a timely application for review of Hearing Decisions 15-UI-31670 and 15-UI-31922 with the Employment Appeals Board (EAB).

On January 23, 2015, EAB issued Appeals Board Decisions 15-EAB-0050 and 15-EAB-0052, reversing Hearing Decisions 15-UI-31670 and 15-UI-31922, and reversing the matter to OAH for a hearing on the merits of decision # 143054. OAH scheduled a hearing for March 6, 2015. On March 6, 2015, the hearing was postponed to March 31, 2015. On March 31, 2015, ALJ Shoemake issued Hearing Decision 15-UI-36065, dismissing claimant's request for hearing for failure to appear, leaving decision # 143054 undisturbed.

On April 8, 2015, the Department served notice of an administrative decision concluding that claimant was overpaid \$709 in benefits (decision # 160643), based on decision # 143054. Claimant filed a timely

request for hearing on decision # 160643. On April 20, 2015, Hearing Decision 15-UI-36065 became final without a request to reopen the hearing having been filed. On May 4, 2015, ALJ Shoemake conducted a hearing on decision # 160643, and on May 12, 2015 issued Hearing Decision 15-UI-38295, affirming the Department's decision. On May 29, 2015, claimant filed an application for review of Hearing Decision 15-UI-38295 with EAB.

EAB reviewed the entire hearing record and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 15-UI-38295 is affirmed.  
*Decisión de la Audiencia 15-UI-38295 queda confirmada.*

Susan Rossiter and D. P. Hettle, *pro tempore*;  
J. S. Cromwell, not participating.

**DATE of Service: June 10, 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](http://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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*NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en [courts.oregon.gov](http://courts.oregon.gov). En este sitio web, hay información disponible en español.*

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