

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0729

Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On March 20, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #90452) concluding that claimant did not actively seek work from January 11 through February 28, 2015 (weeks 02-15 through 08-15). On April 9, 2015, decision #90452 became final without a request for hearing having been filed.

On April 22, 2015, the Department served notice of an administrative decision (decision #115903) concluding that claimant was overpaid \$1,729 in unemployment benefits, based on decision #90452. On April 28, 2015, claimant filed a late request for hearing on decision #90452 and a timely request for hearing on decision #115903. On May 22, 2015, ALJ Murdock conducted two hearings and on May 27, 2015, issued the following hearing decisions: Hearing Decision 15-UI-39093, dismissing claimant's late request for a hearing on decision #90452 and Hearing Decision 15-UI-39095, affirming the overpayment decision (decision #115903). On June 15, 2015, claimant filed applications for review of both hearing decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-39093 and 15-UI-39095. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0729 and 2015-EAB-730).

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 15-UI-39093 and 15-UI-39095 are affirmed.

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

DATE of Service: June 22, 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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