

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0821

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On March 11, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from December 28, 2015 through January 31, 2014 (weeks 53-14 through 04-15). On March 31, 2015 this decision became final without a request for hearing having been filed. On April 13, 2015, the Department served notice of an administrative decision (#120054) assessing a \$1,506 overpayment based on the March 11, 2015 decision. On May 4, 2015, decision #120054 became final without a request for hearing having been filed. On May 14, 2015, claimant filed a late request for hearing on decision #120054, the overpayment decision.

On June 2, 2015, ALJ Kangas issued Hearing Decision 15-UI-39357, dismissing claimant's hearing request, subject to claimant's right to renew the request if claimant filed a response to an appellant questionnaire within 14 days of the date the decision was mailed. On June 11, 2015, claimant filed a timely response. ALJ Kangas reviewed the response, and on June 25, 2015, issued Hearing Decision 15-UI-40660, re-dismissing claimant's request for a hearing. On July 6, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing records. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decisions 15-UI-40660 is affirmed.

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

DATE of Service: July 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. 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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