

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0845

Affirmed
Late Request for Hearing Allowed
Not Eligible

PROCEDURAL HISTORY: On April 21, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from February 22, 2015 to April 4, 2015 (decision # 124548). On May 11, 2015, decision # 124548 became final without a request for hearing having been filed.

On May 21, 2015, the Department served notice of an administrative decision assessing a \$2,196 overpayment based on decision # 124548. On May 22, 2015, claimant filed a timely request for hearing on the overpayment decision. On June 3, 2015, claimant filed a late request for hearing on decision # 124548.

On June 16, 2015, ALJ Holmes-Swanson conducted a hearing on the overpayment matter and, on June 17, 2015, issued Hearing Decision 15-UI-40217, affirming the Department's decision. On June 23, 2015, ALJ Holmes-Swanson conducted a hearing on decision # 124548, and on June 25, 2015 issued Hearing Decision 15-UI-40624, allowing claimant's request for hearing and affirming the Department's decision. On July 7, 2015, Hearing Decision 15-UI-40217 became final without an application for review having been filed.¹ On July 14, 2015, claimant filed an application for review of Hearing Decision 40624 with the Employment Appeals Board (EAB).

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

DECISION: Hearing Decision 15-UI-40624 is affirmed.

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

¹ Claimant did not file an application for review of Hearing Decision 15-UI-40624.

DATE of Service: August 7, 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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