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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2015-EAB-0863</p>
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Affirmed
Late Request for Hearing Dismissed
Overpayment, No Penalties

PROCEDURAL HISTORY: On April 20, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer suspended claimant for misconduct (decision # 132728). On May 11, 2015, decision # 132728 became final without a request for hearing having been filed. On May 12, 2015, the Department served notice of an administrative decision assessing a \$1,192 overpayment, \$178.80 monetary penalty and 9 penalty weeks (decision # 202164). On May 29, 2015, claimant filed a late request for hearing on decision # 132728 and a timely request for hearing on decision # 202164. On June 26, 2015, ALJ Triana conducted a consolidated hearing. On June 26, 2015, the ALJ issued Hearing Decision 15-UI-40730, dismissing claimant's late request for hearing on decision # 132728, and Hearing Decision 15-UI-40735, concluding claimant was overpaid \$1,192 but was not liable for penalties. On July 16, 2015, claimant filed applications for review of Hearing Decisions 15-UI-40730 and 15-UI-40735 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-40730 and 15-UI-40735. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0863 and 2015-EAB-0864).

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-40730 and 15-UI-40735 are affirmed.

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

DATE of Service: July 21, 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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