

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0941

*Hearing Decisions 15-UI-41559 and 15-UI-41629 Affirmed
Ineligible
Overpayment, No Penalties*

PROCEDURAL HISTORY: On April 10, 2015, the Oregon Employment Department (the Department) served notice of administrative decision # 75732, concluding that claimant was not able to work from March 1 through April 4, 2015. On April 30, 2015, decision # 75732 became final without a request for hearing having been file. On June 15, 2015, the Department served notice of administrative decision # 195364, assessing a \$1,348 overpayment based on decision # 75732, penalty weeks, and a monetary penalty. On June 17, 2015, claimant filed a late request for hearing on decision # 75732, and a timely request for hearing on decision # 195364. On July 14, 2015, ALJ Murdock conducted hearings on decisions # 75732 and # 195364. On July 16, 2015 ALJ Murdock issued Hearing Decision 15-UI-41559, dismissing claimant's late request for hearing on decision # 75732. On July 17, 2015, ALJ Murdock issued Hearing Decision 15-UI-41629, modifying decision # 195364 by assessing a \$1,348 overpayment based on decision # 75732, but no penalty weeks or monetary penalty. On August 4, 2015, claimant filed applications for review of Hearing Decisions 15-UI-41559 and 15-UI-41629 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-41559 and 15-UI-41629. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0940 and 2015-EAB-0941).

EAB reviewed both 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-41559 and 15-UI-41629 are affirmed.

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

DATE of Service: August 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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