

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1016

Affirmed
Late Request for Hearing Denied
Overpayment

PROCEDURAL HISTORY: On May 19, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #70614) concluding that claimant did not actively seek work from February 22 through April 25, 2015 (weeks 8-15 through 16-15). On June 8, 2015, decision #70614 became final without a request for hearing having been filed. On June 19, 2015, the Department served notice of an administrative decision (decision #154457) assessing a \$1,048 overpayment based on decision #70614. On July 1, 2015, claimant filed an untimely request for hearing on decision #70614 and a timely request for hearing on decision #154457. On August 4, 2015, ALJ Vincent held interpreted hearings, and on August 12, 2015 issued the following hearing decisions: Hearing Decision 15-UI-42886, which denied as untimely claimant request for a hearing on decision #70614, and Hearing Decision 15-UI-42902, which affirmed decision #15447. On August 24, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-42886 and 15-UI-42902. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-1016 and 2015-EAB-1017).

EAB considered 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-42886 and 15-UI-42902 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 4, 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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