

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1072

Affirmed
Late Request for Hearing Denied
Disqualification

PROCEDURAL HISTORY: On April 9, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 92253). On April 29, 2015, decision # 92253 became final without a request for hearing having been filed. On July 21, 2015, the Department served notice of an administrative decision (# 160034) assessing a \$1,408 overpayment based on decision # 92253. On August 3, 2015, claimant filed an untimely request for a hearing on decision # 92243 and timely request for hearing on decision # 160034. On September 2, 2015, ALJ S. Lee conducted hearings, and on September 4, 2015, issued the following hearing decisions: Hearing Decision 15-UI-43956, which dismissed claimant's hearing request on decision # 92253 as untimely; and Hearing Decision 15-UI-43992, which affirmed decision # 160034 (the overpayment decision). On September 8, 2015, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-43956 and 15-UI-43992. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-1071 and 2015-EAB-1072).

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-43956 and 15-UI-43992 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 16, 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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