

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1085

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On March 13, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 84537). On April 2, 2014, decision #84537 became final without a request for hearing having been filed. On May 5, 2015, claimant filed an untimely request for hearing on decision # 84537. On May 18, 2015, ALJ Kangas issued Hearing Decision 15-UI-38672, dismissing claimant's hearing request on decision # 84537 as untimely, subject to claimant's right to renew the request by submitting a response to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. On June 9, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (# 152626) assessing a \$3,525 overpayment based on decision # 84537, the voluntary quit decision. On June 10, 2015, ALJ Kangas issued Hearing Decision 15-UI-39860, re-dismissing claimant's late request for hearing on decision # 84537. On June 22, 2015, claimant filed an application for review of decision # 84537 with the Employment Appeals Board (EAB). Also on June 22, 2015, claimant filed a request for hearing on decision # 152626, the overpayment decision. On July 7, 2015, EAB issued Appeals Board Decision 2015-EAB-0786, affirming Hearing Decision 15-UI-39860, the decision dismissing claimant's late request for hearing on the voluntary quit decision.

On July 23, 2015, ALJ Shoemaker issued Hearing Decision 15-UI-41949, dismissing claimant's request for hearing on decision # 152626, the overpayment decision, for claimant's failure to appear at a scheduled hearing. On July 31, 2015, claimant filed a timely request to reopen the hearing. On August 6, 2015, Appeals Board Decision 2015-EAB-1085 became final, without a petition for judicial review having been filed. On August 24, 2015, ALJ Shoemaker conducted a hearing and on August 25, 2015, issued Hearing Decision 15-UI-43444, granting claimant's request to reopen and affirming decision # 152626, the overpayment decision. On September 1, 2015, claimant filed an application for review of Hearing Decision 15-UI-43444 with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-43444 is **adopted**.

DECISION: Hearing Decision 15-UI-43444 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: September 17, 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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