

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1197

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On May 27, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (# 151745) concluding that claimant did not actively seek work from January 1 through February 7, 2015 (weeks 01-15 through 05-15) and from March 22 through April 11, 2015 (weeks 12-15 through 14-15). On June 16, 2015, decision # 151745 became final without a request for hearing having been filed. On June 22, 2015, the Department served notice of an administrative decision (# 143043) assessing a \$3,086 overpayment based on decision # 151745. On July 13, 2015, decision # 143043 became final without a request for hearing having been filed. On August 14, 2015, claimant filed a late request for hearing on decision # 143043. On August 26, 2015, ALJ Kangas issued Hearing Decision 15-UI-43490, dismissing claimant's hearing request as untimely, subject to claimant's right to renew the request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated September 4, 2015, the Office of Administrative Hearings cancelled Hearing Decision 15-UI-43490. On September 22, 2015, ALJ Kangas conducted a hearing, and on September 24, 2015, issued Hearing Decision 15-UI-44786, allowing claimant's late hearing request and affirming administrative decision # 143043. On October 7, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 675.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 15-UI-44786 is affirmed.

Susan Rossiter and J. S. Cromwell.

DATE of Service: October 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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