

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1407

Affirmed
Disqualification
Overpayment Assessed

PROCEDURAL HISTORY: On July 6, 2015, the Oregon Employment Department (the Department) served notice of two administrative decisions: decision # 105335, which concluded that claimant voluntarily left work without good cause, and decision # 111254, which concluded that claimant was not able to or available for work from May 17 through May 30, 2015 (weeks 20-15 and 21-15). On July 27, 2015, decisions # 105335 and # 111254 became final without requests for hearing having been filed. On August 12, 2015, the Department issued the following decisions: decision # 114826, which concluded that claimant was overpaid \$112 in benefits, based on decision # 111254, and decision # 114959, which concluded that claimant was overpaid \$465 in benefits, based on decision # 105335. On August 17, 2015, claimant filed untimely hearing requests on decisions # 105335 and # 111254, and timely hearing requests on decisions # 114959 and 114826. On October 27, 2015, ALJ Monroe conducted hearings on claimant's requests for hearing, and on November 4, 2015 issued the following hearing decisions: Hearing Decision 15-UI-47122, which dismissed claimant's request for hearing on decision # 105335 as untimely; Hearing Decision 15-UI-47127, which dismissed claimant's request for hearing on decision # 111254 as untimely; Hearing Decision 15-UI-47129, which affirmed decision # 114959; and Hearing Decision 15-UI-47079, which affirmed decision # 114826. On November 24, 2015, claimant filed applications for review with the Employment Appeals Board (EAB) on all four hearing decisions.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-47122, 15-UI-47127, 15-UI-47129 and 15-UI-47079. For case-tracking purposes, this decision is being issued in quadruplicate. (EAB Decisions 2015-EAB-1405, 2015-EAB-1406, 2015-EAB-1407 and 2015-EAB-1408).

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

EAB reviewed 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-47122, 15-UI-47127, 15-UI-47129 and 15-UI-47079 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: December 8, 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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