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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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AAA 005.00
MC 010.05
MC 000.00

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1521

Affirmed
Late Requests for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On July 15, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from May 17, 2015 to June 27, 2015 (decision # 95429). On July 27, 2015, the Department served notice of an administrative decision concluding claimant did not actively seek work from June 28, 2015 to July 11, 2015 (decision # 95351). On August 4, 2015, decision # 95429 became final without claimant having filed a request for hearing. On August 17, 2015, decision # 95351 became final without claimant having filed a request for hearing. On August 28, 2015, the Department served notice of an administrative decision based on decisions # 95429 and 95351 concluding claimant had been overpaid by \$3,294 (decision # 131824). On September 2, 2015, claimant filed requests for hearing on all three decisions. Claimant's requests were late with regard to decisions # 95429 and 95351, and timely with regard to decision # 131824. On December 14, 2015, ALJ M. Davis conducted a consolidated hearing, and on December 17, 2015 issued Hearing Decisions 15-UI-49535 and 15-UI-49536, dismissing claimant's late requests for hearing, and 15-UI-49541, affirming the Department's decision that claimant was overpaid \$3,294. On December 23, 2015, claimant filed applications for review of all three decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-49535, 15-UI-49536 and 15-UI-49541. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2015-EAB-1521, 2015-EAB-1522 and 2015-EAB-1523).

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-49535, 15-UI-49536 and 15-UI-49541 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: December 28, 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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