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

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EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0010

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY: On August 11, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 155356) concluding claimant did not actively seek work from June 28, 2015 to July 11, 2015 (weeks 26-15 and 27-15). On August 31, 2015, decision # 155356 became final without claimant having filed a timely request for hearing. On September 16, 2015, the Department served a second notice of an administrative decision (# 111704) assessing a \$810 overpayment based on decision # 155356. On October 6, 2015, decision # 111704 became final without claimant having filed a timely request for hearing. On November 17, 2015, claimant filed late requests for hearing on both decisions. On November 25, 2015, ALJ Kangas issued Hearing Decisions 15-UI-48432 and 15-UI-48434, dismissing claimant's late hearing requests subject to his right to renew the requests by responding to appellant questionnaires by December 9, 2015. On December 9, 2015, the Office of Administrative Hearings (OAH) received claimant's responses and issued letters canceling Hearing Decisions 15-UI-48432 and 15-UI-48434. On December 24, 2015, ALJ R. Frank conducted two hearings, and on December 31, 2015 issued Hearing Decision 15-UI-50350, dismissing claimant's late hearing request on decision # 155356, and Hearing Decision 15-UI-50351, dismissing claimant's late hearing request on decision # 111704. On January 5, 2016, claimant filed applications for review of both 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-50350 and 15-UI-50351. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0009 and 2016-EAB-0010).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decisions 15-UI-50350 and 15-UI-50351 are affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: January 11, 2016

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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