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BYE: 201635

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

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AAA 005.00  
MC 000.00  
MC 010.05

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<p><b>EMPLOYMENT APPEALS BOARD DECISION</b> <b>2016-EAB-0220</b></p>
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*Affirmed*  
*Late Request for Hearing Dismissed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On December 2, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 150614) concluding claimant did not actively seek work from September 27 to November 14, 2015 (weeks 39-15 through 45-15). On December 22, 2015, decision # 150614 became final without a request for hearing having been filed. On January 5, 2016, the Department served notice of an administrative decision, based on decision # 150614, assessing a \$1,547 overpayment (decision # 140228). On January 21, 2016, claimant filed a late request for hearing on decision # 150614 and a timely request for hearing on decision # 140228. On February 16, 2016, ALJ Buckley conducted two hearings. On February 17, 2016, the ALJ issued Hearing Decision 16-UI-53058, dismissing claimant's request for hearing on decision # 150614. On February 19, 2016, the ALJ issued Hearing Decision 16-UI-53340, affirming decision # 140228. On February 26, 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 16-UI-53340 and 16-UI-53058. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0219 and 2016-EAB-0220).

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 16-UI-53340 and 16-UI-53058 are affirmed.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, not participating.

**DATE of Service:** March 1, 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](http://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.