

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0283

Affirmed
Ineligible Weeks 32-15 through 37-15
Overpayment Assessed

PROCEDURAL HISTORY: On September 25, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 153538) concluding that claimant did not actively seek work from August 9 through September 19, 2015 (weeks 32-15 through 37-15). Decision # 153538 became final on October 15, 2015 without a request for hearing having been filed. On October 29, 2015, the Department served notice of an administrative decision (decision # 105900) concluding that based on decision # 153538, claimant was overpaid benefits in the amount of \$1,536. On November 12, 2015, claimant filed an untimely request for hearing on decision # 153538 and a timely request for hearing on decision # 105900. On February 22, 2016, ALJ Triana conducted hearings, and on February 23, 2016, issued the following decisions: Hearing Decision 16-UI-53526 dismissed claimant's request for hearing on decision # 153538 (the work search decision) as untimely, and Hearing Decision 16-UI-53566 affirmed decision # 105900 (the overpayment decision). On March 11, 2016, claimant filed application for review of both hearing 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-53526 and 16-UI-53566. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 16-EAB-0283 and 16-EAB-0284).

EAB reviewed the hearing records in both cases. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 16-UI-53526 and 16-UI-53566 are affirmed.

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

DATE of Service: March 21, 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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