

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0495

Affirmed
Late Request for Hearing Denied
Overpayment Assessed

PROCEDURAL HISTORY: On January 26, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 73927) concluding that claimant did not actively search for work from December 13, 2015 through January 2, 2016 (weeks 50-15 through 52-15). On February 16, 2016, decision # 73927 became final without an application for review having been filed. On February 29, 2016, the Department issued a decision (decision # 154608) assessing a \$594 overpayment based on decision # 73927. On March 11, 2016, claimant filed an untimely request for hearing on decision # 73927 and a timely request for hearing on decision # 154608. On April 18, 2016, ALJ Shoemake conducted hearings, and on April 26, 2016, issued the following hearing decisions: Hearing Decision 16-UI-58133 affirmed decision # 73927 and Hearing Decision 16-UI-58138 affirmed decision # 154608. On April 30, 2016, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-58133 and 16-UI-58138. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0490 and 2016-EAB-0495).

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

DECISION: Hearing Decisions 16-UI-58138 and 16-UI-58133 are affirmed.

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

DATE of Service: May 4, 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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