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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
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<p>EMPLOYMENT APPEALS BOARD DECISION 2016-EAB-0527</p>
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Affirmed
Late Requests for Hearing Dismissed
Ineligible
Overpayment Assessed

PROCEDURAL HISTORY: On July 14, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from November 22, 2014 through March 7, 2015 (decision # 115334). On August 3, 2015, decision # 115334 became final without a request for hearing having been filed. On August 14, 2015, the Department served notice of an administrative decision concluding that claimant was overpaid \$3,192 in benefits and must repay that amount to the Department (decision # 94915). On September 3, 2015, decision # 94915 became final without a request for hearing having been filed. On March 18, 2016, claimant filed late requests for hearing on decisions # 115334 and 94915. On March 28, 2016, ALJ Kangas issued Hearing Decisions 16-UI-55908 and 16-UI-55910, dismissing claimant's late requests for hearings subject to claimant's right to renew her requests by responding to an appellant questionnaire by April 11, 2016. On April 6, 2016, the Office of Administrative Hearings (OAH) received claimant's response, and on April 19, 2016, ALJ Kangas issued Hearing Decisions 16-UI-57611 and 16-UI-57631, re-dismissing claimant's late requests for hearing on decisions # 115334 and 94915. On May 2, 2016, claimant filed applications for review of Hearing Decisions 16-UI-57611 and 16-UI-57631 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-57611 and 16-UI-57631. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0527 and 2016-EAB-0528).

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

DECISION: Hearing Decisions 16-UI-57611 and 16-UI-57631 are affirmed.

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

DATE of Service: May 12, 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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