

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0683

Affirmed
Late Request for Hearing Dismissed
Overpayment and Penalties

PROCEDURAL HISTORY: On March 11, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 115106). On March 14, 2016, the Department issued an administrative decision (decision # 200342) assessing a \$5,682 overpayment, a \$1,704.60 monetary penalty, and 46 penalty weeks. On March 31, 2016, decision # 115106 became final without a request for hearing having been filed. On April 1, 2016, claimant filed a timely hearing request on decision # 200342 and an untimely hearing request on decision # 115106. On May 12, 2016, ALJ Wyatt conducted hearings, and on May 16, 2016, issued the following hearing decisions: Hearing Decision 16-UI-59604 dismissed claimant's late request for hearing on decision # 115106, and Hearing Decision 16-UI-59606 affirmed decision # 200342. On June 6, 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-59604 and 16-UI-59606. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0683 and 2016-EAB-0684).

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-59604 and 16-UI-59606 are affirmed.

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

DATE of Service: June 23, 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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