

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0723

Affirmed
Late Request for Hearing Allowed
Ineligible Weeks 51-15 through 2-6-16
Overpayment Assessed

PROCEDURAL HISTORY: On February 29, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 82453) concluding that claimant failed to actively search for work from December 20, 2015 until February 6, 2016 (weeks 51-15 through 5-16). On March 21, 2016, decision # 82453 became final without a request for hearing having been filed. On April 13, 2016, the Department issued a decision (decision # 140539) concluding that claimant was overpaid unemployment benefits in the amount of \$2,450. On May 3, 2016, claimant filed an untimely request for hearing on decision # 82453 and a timely request for hearing on decision # 140539. On May 25, 2015, ALJ M. Davis conducted a hearing, and on June 8, 2016, issued Hearing Decision 16-UI-61312, allowing claimant's late hearing request and affirming decision # 82453. On June 9, 2016, ALJ M. Davis issued Hearing Decision 16-UI-61399, affirming decision # 140539. On June 13, 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-61312 and 16-UI-61399. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0723 and 2016-EAB-0724).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

EAB considered 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-61312 and 16-UI-61399 are affirmed.

Susan Rossiter and J. S. Cromwell;

D. P. Hettle, not participating.

DATE of Service: June 24, 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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