

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0796

Affirmed
Late Request for Hearing Dismissed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On October 29, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 73650). On November 17, 2015, claimant filed a timely request for hearing on decision # 73650. On January 14, 2016, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for January 28, 2016, at which claimant failed to appear. On January 28, 2016, ALJ Wipperman issued Hearing Decision 16-UI-51853, dismissing claimant's request for hearing for failure to appear.

On February 4, 2016, the Department served notice of another administrative decision assessing a \$997 overpayment (decision # 92442). On February 17, 2016, Hearing Decision 16-UI-51853 became final without claimant having filed a timely request to reopen or application for review with the Employment Appeals Board (EAB). On February 24, 2016, decision # 92442 became final without claimant having filed a timely request for hearing. On May 24, 2016, claimant filed a late request to reopen the January 28th hearing and a late request for hearing on decision # 92442.

On June 1, 2016, OAH mailed notice of a hearing on both matters scheduled for June 16, 2016. On June 16, 2016, ALJ M. Davis conducted two hearings, and on June 17, 2016, issued Hearing Decision 16-UI-61992, dismissing claimant's late request for hearing on decision # 92442, and Hearing Decision 16-UI-62008, denying claimant's late request to reopen the January 28, 2016 hearing on decision # 73650. On July 6, 2016, claimant filed applications for review of both hearing decisions with EAB.

EAB considered claimant's written argument when reaching this decision.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-61992 and 16-UI-62008. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0794 and 2016-EAB-0796).

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

DECISION: Hearing Decisions 16-UI-61992 and 16-UI-62008 are affirmed.

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

DATE of Service: July 14, 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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