

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0875

Affirmed
Late Requests for Hearing Denied
Overpayment and Penalties

PROCEDURAL HISTORY: On April 29, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 81909) concluding that claimant did not actively search for work during the following weeks: weeks 33-15 through 34-15; 36-15; 44-15; 47-15; 50-15 through 52-15; 3-16; 7-16; 9-16 and 10-16; 12-16; 14-16 and 17-16. On May 18, 2016, the Department served notice of an administrative decision (decision # 102451) concluding that claimant did not actively search for work during the following weeks: 21-14; 25-14; 28-14; 32-14; 50-14; 52-14 through 1-15; 4-15 and 5-15; 10-15 and 11-15; 14-15 through 17-15. On May 19, 2016, decision # 81909 became final without a request for hearing having been filed. On June 7, 2016, decision # 102451 became final without an appeal having been filed.

On June 16, 2016, the Department served notice of an administrative decision (# 195135) assessing a \$6,118 overpayment, a \$1,835.40 monetary penalty, and 47 penalty weeks, based on decisions # 81909 and # 102451. On June 16, 2016, claimant filed a timely request for hearing on decision # 195135 and an untimely request for hearing on decisions # 81909 and # 102451. On July 14, 2016, ALJ S. Lee conducted hearings, and on July 21, 2016, issued the following hearing decisions: Hearing Decision 16-UI-64208 affirmed decision # 81909; Decision 16-UI-64209 affirmed decision # 102451; and Decision 16-UI-64235 affirmed decision # 195135. On July 25, 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-64208, 16-UI-64209 and 16-UI-64235. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2016-EAB-0874, 2016-EAB-0875 and 2016-EAB-0876).

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**.

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

DECISION: Hearing Decisions 16-UI-64208, 16-UI-64209 and 16-UI-64235 are affirmed.

DATE of Service: August 3, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.