

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0969

*Hearing Decisions 16-UI-65875 and 16-UI-65897 Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed*

PROCEDURAL HISTORY: On May 27, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from November 29, 2015 through May 21, 2016 (decision # 80333). On June 16, 2016, decision # 80333 became final without claimant having filed a request for hearing. On June 29, 2016, the Department served notice of a decision, based on decision # 80333, concluding that claimant was overpaid \$4,134 in benefits that she must repay (decision # 110244). On July 12, 2016, claimant filed a late request for hearing on decision # 80333 and a timely request for hearing on decision # 110244. On August 15, 2016, ALJ Triana conducted hearings, and on August 18, 2016 issued Hearing Decision 16-UI-65875, dismissing claimant's late request for hearing on decision # 80333, and Hearing Decision 16-UI-65897, affirming decision # 110244. On August 24, 2016, claimant filed applications for review of Hearing Decisions 16-UI-65875 and 16-UI-65897 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-65875 and 16-UI-65897. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0970 and 2016-EAB-0969).

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-65875 and 16-UI-65897 are affirmed.

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

DATE of Service: August 25, 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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