

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1002

Affirmed
Ineligible Week 18-16
Overpayment Assessed

PROCEDURAL HISTORY: On May 26, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 110755) concluding that claimant failed to actively search for work from May 1 through May 7, 2016 (week 18-16). On June 15, 2016, decision # 110755 became final without a request for hearing having been filed. On June 28, 2016, the Department served notice of an administrative decision (decision # 160037) assessing a \$510 overpayment based on decision # 110755. On June 30, 2016, claimant filed an untimely request for hearing on decision # 110755 and a timely request for hearing on decision # 160037. On July 7, 2016, ALJ Kangas issued Hearing Decision 16-UI-63288, dismissing claimant's request for hearing on decision # 110755 as untimely, subject to claimant's right to renew the hearing request by responding to an appellant questionnaire within 14 days. Claimant timely responded to the appellant questionnaire. By letter dated August 2, 2016, the Office of Administrative Hearings cancelled Hearing Decision 16-UI-63288. On August 16, 2016, ALJ M. Davis conducted hearings, and on August 17, 2016, issued the following hearing decisions: Hearing Decision 16-UI-65792 allowed claimant's late hearing request and affirmed decision # 110755, and Hearing Decision 16-UI-65793 affirmed decision # 160037. On August 26, 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-65972 and 16-UI-65973. No adversely affected party requested review of the portion of Hearing Decision 16-UI-65792 concluding claimant had good cause for the late request for hearing. We therefore confined our review to the issues of claimant's work search and overpayment. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1001 and 2016-EAB-1002).

EAB reviewed the 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-65792 and 16-UI-65793 are affirmed.

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

DATE of Service: September 7, 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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