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BYE: 201549

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

565
AAA 005.00
VQ 005.00
MC 000.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1029

Affirmed
Confirmada

Late Requests for Hearing Dismissed ~ Ineligible ~ Disqualification ~ Overpayment, No Penalties
Peticiones Tardías para Audiencia Negadas ~ No Elegible ~ Descalificación ~ Sobre pago, No Sanciones

PROCEDURAL HISTORY: On March 28, 2016, the Oregon Employment Department (the Department) served two notices of two administrative decisions, one concluding claimant did not actively seek work from January 31, 2016 to March 5, 2016 (decision # 84757), and the second concluding that claimant voluntarily left a job without good cause (decision # 83932). On March 30, 2016, the Department issued notice of an amended decision # 84757. On April 18, 2016, decision # 83932 became final without claimant having filed a timely request for hearing. On April 19, 2016, amended decision # 84757 became final without claimant having filed a timely request for hearing. On April 28, 2016, the Department served notice of an administrative decision assessing a \$1086 overpayment claimant was liable to have deducted from future benefits payable (decision # 131837). On May 18, 2016, decision # 131837 became final without claimant having filed a timely request for hearing. On June 1, 2016, the Department served notice of an administrative decision concluding that claimant did not actively seek work from April 24, 2016 to May 14, 2016 (decision # 84616). On June 21, 2016, decision # 84616 became final without claimant having filed a timely request for hearing. On July 15, 2016, the Department served two notices of two administrative decisions, one concluding claimant did not actively seek work from August 16, 2015 to October 10, 2015 and October 25, 2015 to November 14, 2015 (decision # 81751), and the second concluding that claimant did not actively seek work from March 27, 2016 to April 2, 2016 (decision # 82731). On July 19, 2016, the Department served notice of an administrative decision assessing a \$7,021 overpayment, \$2,106.30 monetary penalty and 52 penalty weeks.

On July 25, 2016, claimant filed timely requests for hearing on decisions # 193752, 82731 and 81751, and late requests for hearing on decisions # 84757, 131837, 84616 and 83932. On August 17, 2016, ALJ R. Frank conducted a consolidated hearing. On August 24, 2016, the ALJ issued Hearing Decisions 16-UI-66220, 16-UI-66222, 16-UI-66231 and 16-UI-66221, dismissing claimant's late requests for hearing on decisions # 84757, 131837, 84616 and 83932, respectively. The ALJ also issued

Hearing Decision 16-UI-66255, concluding claimant was overpaid and required to repay \$7,021 but not liable for penalties, Hearing Decision 16-UI-66237, affirming decision # 82731, and Hearing Decision 16-UI-66232, affirming decision # 81751.

On September 1, 2016, claimant filed timely applications for review of all seven hearing decisions with the Employment Appeals Board (EAB). Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-66220, 16-UI-66221, 16-UI-66222, 16-UI-66231, 16-UI-66232, 16-UI-66237 and 16-UI-66255. For case-tracking purposes, this decision is being issued in septuplicate (EAB Decisions 2016-EAB-1025, 2016-EAB-1026, 2016-EAB-1027, 2016-EAB-1028, 2016-EAB-1029, 2016-EAB-1030 and 2016-EAB-1031).

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

DECISION: Hearing Decisions 16-UI-66220, 16-UI-66221, 16-UI-66222, 16-UI-66231, 16-UI-66232, 16-UI-66237 and 16-UI-66255 are affirmed. *Decisión de la Audiencia 16-UI-66220, 16-UI-66221, 16-UI-66222, 16-UI-66231, 16-UI-66232, 16-UI-66237 y 16-UI-66255 quedan confirmadas.*

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

DATE of Service: September 19, 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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NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en courts.oregon.gov. En este sitio web, hay información disponible en español.

Por favor, ayúdenos mejorar nuestros servicios por llenar el formulario de encuesta sobre nuestro servicio de atención al cliente. Para llenar este formulario, puede visitar <https://www.surveymonkey.com/s/5WQXNJH>. Si no puede llenar el formulario sobre el internet, puede comunicarse con nuestra oficina para una copia impresa de la encuesta.