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

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EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1061

Affirmed
Requests to Reopen Denied

PROCEDURAL HISTORY: On May 25, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from April 24 through May 21, 2016 (decision # 95713). On June 27, 2016, the Department served notice of a decision concluding that claimant therefore was overpaid \$597 in benefits that he must repay to the Department (decision # 131503). Claimant filed requests for hearing on both decisions. The Office of Administrative Hearings (OAH) scheduled hearings for July 29, 2016. On July 29, 2016, ALJ M. Davis issued Hearing Decisions 16-UI-64759 and 16-UI-64761, dismissing claimant's requests for hearing due to claimant's failure to appear at the hearings. On August 17, 2016, claimant filed requests to reopen the hearings. On August 24, 2016, ALJ Kangas issued Hearing Decisions 16-UI-66240 and 16-UI-66242, dismissing claimant's requests. On September 8, 2016, claimant filed applications for review of Hearing Decisions 16-UI-66240 and 16-UI-66242 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-66240 and 16-UI-66242. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1061 and 2016-EAB-1064).

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 Decision 16-UI-66240 and 16-UI-66242 are affirmed.

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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