

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1067

Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On June 23, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 94913). On July 13, 2016, decision # 94913 became final without claimant having filed a timely request for hearing. On July 26, 2016, the Department served notice of a decision concluding that claimant therefore was overpaid \$940 in benefits that he must repay to the Department (decision # 112947). On August 8, 2016, claimant filed a late request for hearing on decision # 94913 and a timely request for hearing on decision # 112947. On August 31, 2016, ALJ Murdock conducted hearings, and on September 2, 2016 issued Hearing Decision 16-UI-66894 dismissing claimant's late request for hearing on decision # 94913, and Hearing Decision 16-UI-66876 affirming decision # 112947. On September 9, 2016, claimant filed applications for review of Hearing Decisions 16-UI-66894 and 16-UI-66876 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 16-UI-66894 and 16-UI-66876. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1066 and 2016-EAB-1067).

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-66894 and 16-UI-66876 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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