

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1160

Affirmed
Ineligible Weeks 23-16 and 24-16

PROCEDURAL HISTORY: On July 8, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 100608) concluding that claimant did not actively seek work from June 5 through June 18, 2016 (weeks 23-16 and 24-16). On July 28, 2016, decision # 53291 became final without a request for hearing having been filed. On August 11, 2016, the Department served notice of an administrative decision (# 125853) assessing a \$311 overpayment based on decision # 53291. On August 24, 2016, claimant filed an untimely request for hearing on decision # 100608 and a timely request for hearing on decision # 125853. On September 29, 2016, ALJ Shoemaker conducted hearings, and on October 4, 2016, issued Hearing Decision 16-UI-68502, which dismissed claimant's request for hearing on decision # 100608, and Hearing Decision 16-UI-68504, which affirmed decision # 125853. On October 4, 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-68502 and 16-UI-68504). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1159 and 2016-EAB-11160).

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

DECISION: Hearing Decisions 16-UI-68502 and 16-UI-68504 are affirmed.

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

DATE of Service: October 20, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.