

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1210

Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On July 22, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from June 19, 2016 to July 16, 2016 (decision # 133535). On August 11, 2016, decision # 133535 became final without claimant having filed a request for hearing. On August 25, 2016, the Department served notice of a decision assessing a \$1,520 overpayment he was liable to repay (decision # 140030). On September 1, 2016, claimant filed a late request for hearing on decision # 133535 and a timely request for hearing on decision # 140030. On October 13, 2016, ALJ Shoemake conducted hearings on both of claimant's requests and issued Hearing Decision 16-UI-69187, dismissing claimant's late request for hearing on decision # 133535, and Hearing Decision 16-UI-69188, affirming the assessment of an overpayment. On October 24, 2016, claimant filed applications for review of both 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-69187 and 16-UI-69188. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1209 and 2016-EAB-1210).

EAB reviewed both hearing records in their entirety. On de novo review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 16-UI-69187 and 16-UI-69188 are affirmed.

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

DATE of Service: October 31, 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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