

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-1393**

*Affirmed*  
*Overpayment Assessed*  
*(Se impuso sobrepago)*

**PROCEDURAL HISTORY:** On September 16, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 142459). On October 6, 2016, decision # 142459 became final without claimant having filed a request for hearing. On October 18, 2016, the Department served notice of an administrative decision (# 95439) assessing a \$1,436 overpayment, based on decision # 142459. On November 3, 2016, Claimant filed a late request for hearing on decision # 142459, and a timely request for hearing on decision # 95439.

On November 15, 2016, the Office of Administrative Hearings (OAH) served notice of a hearing on decision # 142459 scheduled for December 1, 2016 at 1:30 p.m., and notice of a hearing on decision # 95439 scheduled for December 1, 2016 at 2:30 p.m. On December 1, 2016, claimant failed to appear at the hearing on decision # 142459, and appeared at the hearing on decision # 95439. ALJ Shoemake conducted a hearing on decision # 95439. On December 2, 2016, ALJ Shoemake issued Hearing Decision 16-UI-72132, dismissing claimant's request for hearing on decision # 142459 due to his failure to appear at the hearing on that decision. Also on December 2, 2016, ALJ Shoemake issued Hearing Decision 16-UI-72138, affirming decision # 95439.

On December 7, 2016, claimant filed a request to reopen the hearing on decision # 142459. On December 8, 2016, claimant filed an application for review of Hearing Decision 16-UI-72138 with the Employment Appeals Board (EAB). On December 13, 2016, ALJ Kangas issued Hearing Decision 16-UI-72822, denying claimant's request to reopen the hearing on decision # 142459. On January 3, 2017, Hearing Decision 16-UI-72822 became final without EAB having received a timely application for review of that decision.

EAB reviewed the entire hearing record on decision # 95439. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 16-UI-72138 is **adopted**.

**DECISION:** Hearing Decision 16-UI-72138 is affirmed.  
*Decisión de la Audiencia 16-UI-72138 queda confirmada.*

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

**DATE of Service:** January 4, 2017

**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](http://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](http://courts.oregon.gov). En este sitio web, hay información disponible en español.*

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