

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1415

Affirmed
(Confirmadas)
Late Request for Hearing Dismissed
(Petición Tardía de una Audiencia Negada)
Overpayment, No Penalties
(Se Impuso Sobre pago)

PROCEDURAL HISTORY: On September 22, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 94207) concluding that claimant was not available for work from July 24 through September 17, 2016 (weeks 30-16 through 37-16). On October 12, 2016, decision # 94207 became final without a request for hearing having been filed. On October 31, 2016, the Department served notice of an administrative decision (# 131138) assessing a \$2,044 overpayment, based on decision # 94207. On November 7, 2016, claimant filed an untimely request for hearing on decision # 94207 and a timely request for hearing on decision # 131138 . On December 5, 2016, ALJ Vincent conducted hearings, and on December 7, 2016, issued Hearing Decision 16-UI-72438, which dismissed claimant's hearing request on decision # 94207 as untimely, and Hearing Decision 16-UI-72436, which affirmed decision # 131138. On December 19, 2016, claimant filed application s 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-72436 and 16-UI-72438. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1415 and 2016-EAB-1416).

EAB reviewed the entire record in these cases. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decisions 16-UI-72436 and 16-UI-72438 are **adopted**.

DECISION: Hearing Decisions 16-UI-72436 and 16-UI-72438 are affirmed. *Decisiones de las Audiencias 16-UI-72436 y 16-UI-72438 quedan confirmadas.*

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

DATE of Service: January 3, 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. 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. En este sitio web, hay información disponible en español.

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