

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-1422

Affirmed
Ineligible Weeks 23-16 and 24-16
Overpayment Assessed

PROCEDURAL HISTORY: On September 7, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 93300) concluding that claimant did not actively search for work from June 5 through June 18, 2016 (weeks 23-16 and 24-16). On September 27, 2016, decision # 93300 became final without a request for hearing having been filed. On October 11, 2016, the Department served notice of an administrative decision (# 145704), assessing an \$834 overpayment based on decision # 93300. On October 18, 2016, claimant filed an untimely request for hearing on decision # 93300, and a timely request for hearing on decision # 145704. On December 1, 2016, ALJ Vincent conducted hearings, and on December 1, 2016, issued Hearing Decision 16-UI-72010, which allowed claimant's late hearing request on decision # 93300 and affirmed the decision, and Hearing Decision 16-UI-72009, which affirmed decision # 145704. On December 20, 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-72010 and 16-UI-72009. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-1422 and 2016-EAB-1421).

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

DECISION: Hearing Decisions 16-UI-72009 and 16-UI-72010 are affirmed.

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

DATE of Service: January 6, 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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