
EO: 700
BYE: 201722

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2017-EAB-0058</p>
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Affirmed
Late Request for Hearing Allowed
Not Eligible
Overpayment Assessed

PROCEDURAL HISTORY: On October 17, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from June 5, 2016 to July 2, 2016 (decision # 84458). On November 7, 2016, decision # 84458 became final without claimant having filed a timely request for hearing. On November 23, 2016, the Department served notice of an administrative decision, based on decision # 84458, assessing a \$966 overpayment that claimant was required to repay (decision # 142918). On November 29, 2016, claimant filed a late request for hearing on decision # 84458 and a timely request for hearing on decision # 142918. On December 27, 2016, ALJ Triana conducted two hearings, and on December 28, 2016 issued Hearing Decision 16-UI-73733, allowing claimant's late request for hearing and affirming decision # 84458, and Hearing Decision 16-UI-73735, affirming decision # 142918. On January 23, 2017, 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-73733 and 16-UI-73735. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2017-EAB-0057 and 2017-EAB-0058).

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

DECISION: Hearing Decisions 16-UI-73733 and 16-UI-73735 are affirmed.

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

DATE of Service: January 19, 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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