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BYE: 201740

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

462
AAA 005.00
MC 010.005

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0146

Affirmed
Late Request for Hearing Denied
Overpayment Assessed

PROCEDURAL HISTORY: On November 16, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 103523) concluding that claimant did not actively seek work from October 16 through November 12, 2016 (weeks 42-16 through 45-16). On December 6, 2016, decision # 103523 became final with no request for hearing having been filed. On December 27, 2016, the Department served notice of an administrative decision (decision # 112851) which assessed a \$2,093 overpayment based on decision # 103523. On January 3, 2017, claimant filed a late request for hearing on decision # 103523 and a timely request for hearing on decision # 112851. On January 30, 2017, ALJ Shoemake conducted hearings, and on January 31, 2017, issued Hearing Decision 17-UI-75777, which dismissed claimant's late request for hearing on decision # 103523, and Hearing Decision 17-UI-75799, which affirmed decision # 112851. On February 7, 2017, 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 17-UI-75777 and 17-UI-75799. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2017-EAB-0145 and 2017-EAB-0146).

EAB considered claimant's written argument to the extent it was relevant and based on evidence in the record.

EAB considered the entire 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 17-UI-75777 and 17-UI-75799 are affirmed.

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

DATE of Service: February 9, 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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