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

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EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0301

Affirmed
Late Request for Hearing Dismissed
Ineligible Weeks 36-16 through 38-16
Overpayment

PROCEDURAL HISTORY: On October 11, 2016, the Oregon Employment Department (the Department) served notice of administrative decision # 104700, concluding that claimant did not actively seek work from September 4 through 24, 2016 (weeks 36-16 through 38-16). On October 31, 2016, decision # 104700 became final without claimant having filed a request for hearing. On November 14, 2016, the Department served notice of administrative decision # 162436, concluding, based on decision # 104700, that claimant was overpaid \$1,462 in benefits for weeks 36-16 through 38-16 that he must repay. On November 17, 2016, claimant filed a late request for hearing on decision # 104700 and a timely request for hearing on decision # 162436. On February 9, 2017, ALJ Frank conducted hearings, and on February 17, 2017 issued Hearing Decisions 17-UI-77222 and 17-UI-77232, dismissing claimant's request for hearing on decision # 104700 as untimely without good cause, and affirming decision # 162436. On March 9, 2017, claimant filed applications for review of Hearing Decisions 17-UI-77222 and 17-UI-77232 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 17-UI-77222 and 17-UI-77232. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2017-EAB-0300 and 2017-EAB-0301).

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

DECISION: Hearing Decisions 17-UI-77222 and 17-UI-77232 are affirmed.

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

DATE of Service: March 13, 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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