

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1386

Affirmed
Ineligible and Overpaid

PROCEDURAL HISTORY: On September 12, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not actively seeking work from August 20, 2017 to September 2, 2017 and was overpaid \$1,180 that he was required to repay the Department (decision # 91409). On October 2, 2017, decision # 91409 became final without claimant having filed a timely request for hearing. On October 3, 2017, claimant filed a late request for hearing. On October 5, 2017, ALJ Kangas issued Hearing Decision 17-UI-93870, dismissing claimant's late request for hearing subject to his right to renew the request by responding to an appellant questionnaire by October 19, 2017. On October 16, 2017, claimant responded to the questionnaire. On October 24, 2017, the Office of Administrative Hearings (OAH) mailed a letter to claimant stating that Hearing Decision 17-UI-93870 was canceled. On November 13, 2017, ALJ Seideman conducted a hearing, and on November 14, 2017 issued Hearing Decision 17-UI-96745, allowing claimant's late request for hearing and affirming decision # 91409. On December 1, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 17-UI-96745 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: January 4, 2018

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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