

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1422

Affirmed
Late Requests for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On April 13, 2017, the Oregon Employment Department (the Department) served notice of two administrative decisions concluding that claimant was not available for work from January 8 through April 8, 2017 (decision # 81757) and from February 26 through April 8, 2017 (decision # 85010). On May 3, 2017, decisions # 81757 and # 85010 became final without claimant having filed a request for hearing. On August 10, 2017, the Department served notice of an administrative decision, based on decisions # 81757 and # 85010, concluding that claimant was overpaid \$3575 in benefits (decision # 132449). On August 29, 2017, claimant filed late requests for hearing on decisions # 81757 and # 85010, and a timely request for hearing on decision # 132449. On November 16, 2017, ALJ Frank conducted hearings, and on November 22, 2017 issued Hearing Decisions 17-UI-97492 and 17-UI-97493 dismissing claimant's late requests for hearing on decisions # 81757 and # 85010, and Hearing Decision 17-UI-97495, affirming decision # 132449. On December 11, 2017, claimant filed applications for review of Hearing Decisions 17-UI-97492, 17-UI-97493 and 17-UI-97495 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 17-UI-97492, 17-UI-97493 and 17-UI-97495. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2017-EAB-1421, 2017-EAB-1422 and 2017-EAB-1420).

EAB reviewed all three hearing records and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 17-UI-97492, 17-UI-97493 and 17-UI-97495 are affirmed.

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

DATE of Service: December 20, 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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