

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1461

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On August 31, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from August 6 through 19, 2017 (decision # 150644). On September 20, 2017 decision # 150644 became final without claimant having filed a late request for hearing. On October 10, 2017, the Department served notice of an administrative decision, based on decision # 150644, concluding that claimant was overpaid \$460 in benefits that he must repay the Department (decision # 131244). On October 24, 2017, claimant filed a late request for hearing on decision # 150644 and a timely request for hearing on decision # 131244. On December 7, 2017, ALJ Janzen conducted hearings, and on December 8, 2017 issued Hearing Decision 17-UI-98566 dismissing claimant's late request for hearing on # 150644 as untimely without good cause, and Hearing Decision # 17-UI-98604 affirming decision # 131244. On December 21, 2017, claimant filed applications for review of Hearing Decisions 17-UI-98566 and 17-UI-98604 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 17-UI-98566 and 17-UI-98604. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2017-EAB-1461 and 2017-EAB-1462).

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-98566 and 17-UI-98604 are affirmed.

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

DATE of Service: December 26, 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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