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BYE: 201821

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

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MC 000.00
AAA 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0050

Affirmed
Late Requests for Hearing Dismissed
Overpaid

PROCEDURAL HISTORY: On August 15, 2017, the Oregon Employment Department (the Department) served two notices of two administrative decisions, one concluding that claimant was not available for work from April 30, 2017 to May 27, 2017 (decision # 115205), and the other concluding claimant was not available for work from June 4, 2017 to June 24, 2017 (decision # 121120). On September 5, 2017, those decisions became final without claimant having filed timely requests for hearing. On September 15, 2017, the Department served two additional notices of administrative decisions, one concluding that claimant was liable to repay a \$2,268 overpayment (decision # 130410) and the other concluding claimant was liable to repay a \$1,180 overpayment (decision # 125957). On September 21, 2017, claimant filed late requests for hearing on decisions # 115205 and 121120 and timely requests for hearing on decisions # 130410 and 125957. On January 5, 2018, ALJ R. Frank conducted two consolidated hearings on those four decisions. On January 5, 2018, the ALJ issued Hearing Decisions 18-UI-110370 and 18-UI-100369, dismissing claimant's late requests for hearing on decision # 115205 and 121120, respectively. On January 8, 2018, the ALJ issued Hearing Decisions 18-UI-100378 and 18-UI-100377, affirming decisions # 130410 and 125957, respectively. On January 12, 2017, claimant filed timely applications for review of all four hearing decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 18-UI-100369, 18-UI-100370, 18-UI-100377 and 18-UI-100378. For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2018-EAB-0048, 2018-EAB-0049, 2018-EAB-0050 and 2018-EAB-0051).

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

DECISION: Hearing Decisions 18-UI-100369, 18-UI-100370, 18-UI-100377 and 18-UI-100378 are affirmed.

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

DATE of Service: January 25, 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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