

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0114-R

Request for Reconsideration Dismissed

PROCEDURAL HISTORY: On October 20, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from September 10, 2017 to October 7, 2017 and, as a result, was overpaid \$1,121 that he was required to repay or have deducted from future benefits otherwise payable (decision # 145028). Claimant filed a timely request for hearing. On January 12, 2018, ALJ S. Lee conducted a hearing, and on January 17, 2018 issued Order No. 18-UI-101050, affirming the Department's decision. On February 2, 2018, claimant filed an application for review with the Employment Appeals Board (EAB). On March 5, 2018, EAB issued EAB Decision 2018-EAB-0114, affirming Order No. 18-UI-101050. On April 4, 2018, Decision 2018-EAB-0114 became final without claimant having filed a request for reconsideration with EAB or a petition for judicial review with the Oregon Court of Appeals. On May 11, 2018, claimant filed a request for reconsideration of Decision 2018-EAB-0114 with EAB.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration of EAB Decision 2018-EAB-0114 is dismissed.

Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Department rule, or officially stated Department position, or prior Employment Department practice. ORS 657.290(3); OAR 471-041-0145(1) (October 29, 2006). However, the request is subject to dismissal unless it is filed on or before the 20th day after the decision sought to be reconsidered is mailed. OAR 471-041-0145(2)(b). Here, claimant filed his request for reconsideration over two months after EAB Decision 2018-EAB-0114 was mailed. His request therefore was late, and is subject to dismissal.

DECISION: Request for Reconsideration dismissed. EAB Decision 2018-EAB-0114 remains undisturbed, and Order No. 18-UI-101050 affirmed.

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

DATE of Service: May 16, 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.