

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0149

Affirmed
Late Request for Hearing Dismissed
Overpayment Assessed

PROCEDURAL HISTORY: On August 10, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from June 25, 2017 to July 29, 2017 (decision # 120549). On August 30, 2017, decision # 120549 became final without claimant having filed a timely request for hearing. On September 13, 2017, the Department served notice of another decision, based on decision # 120549, assessing a \$690 overpayment that claimant was required to repay (decision # 121827). On September 25, 2017, claimant filed a late request for hearing on decision # 120549 and a timely request for hearing on decision # 121827. On January 19, 2018, ALJ Amesbury conducted two hearings, and on January 23, 2018 issued Hearing Decision 18-UI-101445, dismissing claimant's late request for hearing on decision # 120549, and Hearing Decision 18-UI-101447, affirming decision # 121827. On February 9, 2018, claimant filed applications for review of both 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-101445 and 18-UI-101447. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0148 and 2018-EAB-0149).

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-101445 and 18-UI-101447 are affirmed.

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

DATE of Service: March 1, 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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