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

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<p>EMPLOYMENT APPEALS BOARD DECISION 2018-EAB-0389</p>
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Affirmed
Late Requests for Hearing Dismissed
Decisions # 95648 and 194047 Remain Undisturbed

PROCEDURAL HISTORY: On October 31, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 95648). On November 15, 2017, the Department served notice of an administrative decision assessing a \$2,379 overpayment, \$475.80 monetary penalty and 21 penalty weeks (decision # 194047). On November 20, 2017, decision # 95648 became final without claimant having filed a timely request for hearing. On December 5, 2017, decision # 194047 became final without claimant having filed a timely request for hearing. On January 12, 2018, claimant filed late requests for hearing on decisions # 95648 and 194047. On January 22, 2018, ALJ Kangas issued Order No. 18-UI-101394, dismissing claimant's late request for hearing on decision # 95648, and Order No. 18-UI-101395, dismissing claimant's late request for hearing on decision # 194047, both subject to claimant's right to renew his requests by responding to an appellant questionnaire by February 5, 2018. On February 2, 2018, claimant responded to the appellant questionnaire. On March 7, 2018, the Office of Administrative Hearings (OAH) mailed letters notifying claimant that Order Nos. 18-UI-101394 and 18-UI-101395 were canceled. On March 8, 2018, OAH mailed notice of two hearings scheduled for March 23, 2018. On March 23, 2018, ALJ Amesbury conducted the hearings. On March 29, 2018, ALJ Amesbury issued Order No. 18-UI-106241, re-dismissing claimant's late request for hearing on decision # 95648, and 18-UI-106264, re-dismissing claimant's late request for hearing on decision # 194047. On April 17, 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 Order Nos. 18-UI-106241 and 18-UI-106264. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0388 and 2018-EAB-0389).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the orders under review are **adopted**.

DECISION: Order Nos. 18-UI-106241 and 18-UI-106264 are affirmed.

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

DATE of Service: April 26, 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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