

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0564

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY: On October 26, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from January 1 through 28, 2017 (decision # 115405). On November 15, 2017, decision # 115405 became final without claimant having requested a hearing on that decision. On December 4, 2017, the Department served notice of an administrative decision, based on decision # 115405, concluding that claimant was overpaid \$2,360 in benefits (decision # 140027). On December 26, 2017, decision # 140027 became final without claimant having requested a hearing on that decision.

On March 19, 2018, claimant filed late requests for hearing on decisions # 115405 and # 140027. On March 22, 2018, ALJ Kangas issued Order Nos. 18-UI-105771 and 18-UI-105773, dismissing claimant's requests for hearing as untimely without a showing of good cause, subject to his right to renew his requests by responding to an appellant questionnaire by April 5, 2018. On April 2, 2018, claimant filed a timely response to the appellant questionnaire. The Office of Administrative Hearings (OAH) considered claimant's response, and on April 4, 2018 cancelled and vacated Order Nos. 18-UI-105771 and 18-UI-105773, and scheduled hearings on claimant's late requests for hearing and, if appropriate, the merits of decisions # 115405 and # 140027.

On May 8, 2018, ALJ Frank conducted a consolidated hearing, and on May 16, 2018 issued Order Nos. 18-UI-109477 and 18-UI-109479, dismissing claimant's late requests for hearing on decisions # 115405 and # 140027. On June 2, 2018, claimant filed timely applications for review of Order Nos. 18-UI-109477 and 18-UI-109479 with the Employment Appeals Board (EAB). Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order Nos. 18-UI-109477 and 18-UI-109479. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0563 and 2018-EAB-0564).

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

DECISION: Order No. 18-UI-109477 and 18-UI-109479 are affirmed.

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

DATE of Service: June 14, 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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