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

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MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-1055

Affirmed
Late Request for Hearing Dismissed
Overpayment

PROCEDURAL HISTORY: On August 23, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not able, available, or actively seeking work from July 22, 2018 to July 28, 2018 (decision # 94722). On September 12, 2018, decision # 94722 became final without claimant having filed a timely request for hearing. On September 26, 2018, the Department served notice of another administrative decision, based on decision # 94722, assessing a \$624 overpayment that claimant was liable to repay (decision # 80203). On October 2, 2018, claimant filed a late request for hearing on decision # 94722, and a timely request on decision # 80203. On October 24, 2018, ALJ Snyder conducted two hearings. On October 31, 2018, the ALJ issued Order No. 18-UI-119029, dismissing claimant's late request for hearing on decision # 94722. On November 1, 2018, the ALJ issued Order No. 18-UI-119049, affirming decision # 80203. On November 6, 2018, claimant filed timely applications for review of both Orders with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order Nos. 18-UI-119029 and 18-UI-119049. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-1054 and 2018-EAB-1055).

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-119029 and 18-UI-119049 are affirmed.

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

DATE of Service: November 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.

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