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

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DS 005.00

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0223

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On May 14, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 94322). Claimant filed a timely request for hearing. On June 14, 2013, ALJ Wyatt conducted a hearing and issued Hearing Decision 13-UIB-10134, affirming the Department's decision. On July 5, 2013, Hearing Decision 13-UIB-10134 became final without an application for review having been filed. On October 22, 2013, the Department served notice of an administrative decision assessing a \$2,096 overpayment based on Hearing Decision 13-UIB-10134. Claimant filed a timely request for hearing. On January 22, 2014, ALJ Menegat conducted a hearing, and on January 24, 2014 issued Hearing Decision 14-UI-09159, affirming the Department's decision. On February 5, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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

DECISION: Hearing Decision 14-UI-09159 is affirmed.

Susan Rossiter and Tony Corcoran;
D. E. Larson, not participating.

DATE of Service: February 27, 2014

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 website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.