

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0238

Affirmed
Ineligible
Overpayment

PROCEDURAL HISTORY: On March 29, 2013, the Oregon Employment Department (the Department) served three notices of three administrative decisions: one concluding claimant was not available for work from January 13, 2013 to January 26, 2013 (decision # 92707); one concluding claimant was not available for work from February 3, 2013 to February 16, 2013 (decision # 95411); and one concluding claimant was not available for work from February 24, 2013 to March 9, 2013 (decision # 100010). On April 18, 2013, decisions # 92707, # 95411, and # 100010 became final without a request for hearing having been filed. On November 1, 2013, the Department served notice of an administrative decision (decision # 123110) assessing a \$2,781 overpayment based on decisions # 92707, # 95411, and # 100010. On November 4, 2013, claimant filed a request for hearing.

On December 11, 2013, the Office of Administrative Hearings (OAH) issued three notices of a consolidated hearing scheduled for December 26, 2013 with respect to decisions # 92707, # 95411, and # 100010. On December 26, 2014, OAH issued notice of a hearing scheduled for January 27, 2014 with respect to decision # 123110. Also on December 26, 2014, ALJ Monroe conducted a consolidated hearing and on January 17, 2014, issued Hearing Decisions 14-UI-08702, 14-UI-08693, and 14-UI-08697, allowing claimant's late request for hearing, but affirming decisions # 92707, # 95411, and # 100010. On January 27, 2014, ALJ Menegat conducted a hearing and on January 30, 2014, issued Hearing Decision 14-UI-09481, affirming decision # 123110. On February 6, 2014, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-08702, 14-UI-08693, 14-UI-08697, and 14-UI-09481. For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2014-EAB-02353, 2014-EAB-0236, 2014-EAB-0237, and 2014-EAB-0238).

EAB considered claimant's written argument to the extent it was based on the hearing record.

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

DECISION: Hearing Decisions 14-UI-08702, 14-UI-08693, 14-UI-08697, and 14-UI-09481 are 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.