

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0246

Hearing Decision 14-UI-09051 Affirmed – Disqualification
Hearing Decision 14-UI-09186 Affirmed – Overpayment, No Penalties

PROCEDURAL HISTORY: On October 22, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily quit work without good cause (decision # 93508). On October 30, 2013, the Department served notice of another administrative decision, assessing a \$1,470 overpayment, 11 penalty weeks, and a \$220.50 interest penalty, based on decision # 93508 (decision # 195267). Claimant filed timely requests for hearing. On January 21, 2014, the Office of Administrative Hearings issued notice of a hearing scheduled for January 21, 2014 at 8:15 a.m. On January 21, 2014, ALJ M. Davis conducted a consolidated hearing, and on January 23, 2014, issued Hearing Decision 14-UI-09051 affirming decision # 93508, and on January 24, 2014, issued Hearing Decision 14-UI-09186 modifying decision # 195267 by assessing the \$1,470 overpayment but eliminating the penalties. On February 10, 2014, claimant filed an application for review of both hearing decisions with the Employment Appeals Board (EAB).

No adversely affected party requested review of that portion of Hearing Decision 14-UI-09186 concluding claimant should not be assessed penalties based on the overpayment. Therefore, we confined our review of that hearing decision to the issue of the assessed overpayment of \$1,470.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-09051 and 14-UI-09186. For case-tracking purposes, this decision is being issued in duplicate (Appeals Board Decisions 2014-EAB-0245 and 2014-EAB-0246).

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

DECISION: Hearing Decisions 14-UI-09051 and 14-UI-09186 are affirmed.

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

DATE of Service: March 10, 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.