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

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<p><b>EMPLOYMENT APPEALS BOARD DECISION</b> <b>2014-EAB-0280</b></p>
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*Affirmed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On April 17, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 104058). On May 7, 2013, decision # 104058 became final without a request for hearing having been filed. On November 27, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision (decisions # 91603), assessing a \$216 overpayment of Emergency Unemployment Insurance Benefits (EUC) based on decision # 104058. On February 11, 2014, ALJ Kirkwood conducted a hearing, and on February 12, 2014 issued Hearing Decision 14-UI-10222, affirming decision # 91603. On February 18, 2014, claimant filed a late request for hearing on decision # 104058, and an application for review of Hearing Decision 14-UI-10222, with the Employment Appeals Board (EAB).

Claimant's argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond his reasonable control him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

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-10222 is affirmed.

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

**DATE of Service:** March 4, 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.